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AMEND THE WATERSHED PROTECTION AND FLOOD PREVENTION ACT

WEDNESDAY, JUNE 5, 1968

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, D.C.

The committee met, pursuant to notice, at 10 a.m. in room 1301 Longworth House Office Building, Hon. W. R. Poage (chairman) presiding.

Present: Representatives Poage, Gathings, Abbitt, Jones of Missouri, Stubblefield, Purcell, de la Garza, Jones of North Carolina, Dow, Teague, Hansen, Wampler, Miller, Burke, Mathias, Zwach, Kleppe, and Price.

Also present: Christine S. Gallagher, clerk; William C. Black, general counsel; Hyde H. Murray, assistant general counsel; L. T. Easley, staff consultant.

The CHAIRMAN. The committee will please be in order.

This morning the full committee has under consideration S. 2276, an act to amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations."

(The act follows:)

[S. 2276, 90th Cong., second sess.]

AN ACT To amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(2) of the Watershed Protection and Flood Prevention Act is amended to read as follows:

"(2) Except as to the installation of works of improvement on Federal lands, the Secretary shall not construct or enter into any contract for the construction of any structure: *Provided*, That, if requested to do so by the local organization, the Secretary may enter into contracts for the construction of structures."

Passed the Senate May 20, 1968.

Attest:

FRANCIS R. VALEO, *Secretary.*

The CHAIRMAN. I understand that Mr. Williams is here to testify and I suppose it will be appropriate to start with the Department.

Mr. Williams, would you like to make a statement? We are always pleased to have you with us.

STATEMENT OF HOLLIS WILLIAMS, DEPUTY ADMINISTRATOR FOR WATERSHEDS, SOIL CONSERVATION SERVICE; ACCOMPANIED BY GERALD E. RYERSON, DIRECTOR OF ADMINISTRATIVE SERVICES, SOIL CONSERVATION SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. WILLIAMS. Mr. Chairman and members of the committee, I appreciate the opportunity to testify in support of S. 2276, a bill to amend the Watershed Protection and Flood Prevention Act, Public Law 566, as amended, to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local watershed project sponsors.

I would like to emphasize the part "upon request of local watershed project sponsors."

Presently all contracting is carried out by the watershed sponsors. This responsibility was delegated to the local people to insure greater local participation and greater interest in the program. We heartily concur in these objectives. And we support this bill because it still provides for this procedure if the local sponsors so desire.

Nevertheless, our experiences have brought to light many difficulties and situations which indicate the desirability of having the Secretary of Agriculture contract for construction—I might add, in certain instances.

Many groups sponsoring watershed projects under Public Law 566 have had no experience in letting and administering construction contracts. It is difficult and frequently impossible for them to find an individual willing and able to act as contracting officer. This activity becomes a hardship on the sponsor and an added expense where only one or two small contracts may be involved. This also puts an extra burden on the Soil Conservation Service to train the local contracting officers and to provide step-by-step assistance in the preparation of invitations to bid, reviewing and analyzing the bids, and awarding and administering contracts involving all dealing with the contractor. This creates an awkward, slow and cumbersome process that is often dissatisfying to all parties including the sponsors, the contractor, and the SCS.

Also under some local contract procedures, many reputable and competent contractors are either excluded from bidding or cannot bid on an equal basis due to State and local regulations that give preferential treatment to local contractors or to contractors on an acceptable or preferred list. Free and unrestricted competition is not possible in these instances, and higher construction costs may result.

When Federal cost sharing is involved in a project, we are required to assure ourselves that the prescribed equal employment opportunity clauses are included in the contracts. Several States have equally mandatory requirements, some of which conflict with Federal requirements. Reconciliation is often difficult, costly, and time consuming.

Also under local procedures, disputes that cannot be settled by direct negotiation must be resolved by the local courts. Even though local sponsors may have agreed to provide legal services, they are often unable to because of the costs involved—especially when funds being protected are entirely Federal.

In some States such as Oklahoma, Mississippi, and Texas we have been able to compare the merits of the two systems of contracting since SCS handles the contracts for flood prevention projects carried out under the Flood Control Act of 1944 and local sponsors handled those under Public Law 566. We have found that the direct contracts by SCS are simpler, and less costly. At the same time, the enthusiasm of the local people in participating and carrying out the projects remains high.

In summary, this bill, if enacted, would (1) provide for better efficiency and timeliness in carrying out watershed projects, (2) remove an undesired burden from those local sponsors who do not have the capability of administering construction contracts, (3) result in a reduction in local cost of contract administration and Federal assistance cost, and would in no way prevent local watershed project sponsors from carrying out contracting responsibilities if they wish to do so. In fact, it would be necessary for the local groups to submit a request for Federal assistance before the contracting authority could be transferred to SCS.

I thank you for this opportunity to appear before this committee and will be pleased to answer any questions you may have.

The CHAIRMAN. We thank you, Mr. Williams. We are always glad to have you here. It seems to me that you make a rather sound argument.

Are there questions?

Mr. TEAGUE. Just one.

This sounds perfectly sensible to me, but did we not have this before us once before?

The CHAIRMAN. We did at the time we passed the bill. I do not remember if we had any legislation to try to change it since the passage of the bill, have we?

Mr. WILLIAMS. Off the record.

(Discussion off the record.)

Mr. TEAGUE. No further questions.

Mr. GATHINGS. Mr. Chairman?

The CHAIRMAN. Yes.

Mr. GATHINGS. At this time, from your statement I believe that I detected the local groups that sponsor watershed programs have been dealing with local contractors largely. Under this bill there would be more flexibility so that you could go out and get contractors maybe a few miles distant. Is that one of the objectives?

Mr. WILLIAMS. Congressman Gathings, if I may draw on some personal experience, first I would like to repeat that the concept and philosophy in the original legislation which we partly endorse was to place as much responsibility on local people in all phases of this as possible, including local sponsors doing all of the contracting, issuing invitations for bids making the evaluations and in all dealings with the contractor.

To protect the Federal investment it is necessary for the Soil Conservation Service to have inspectors on the job as technicians and we provide the service for the contracting officer. Where the local sponsor has the capability, an engineering staff, legal advice, or people experienced in contracting, we like for that to carry forward.

Let me draw the hardship case for you. You take a local soil conservation district that has a farmer-rancher board of five men and they are the sponsor on a small project. That is probably the only project that they will ever have. When you ask those people to provide the contracting service, they have to engage a local banker or local attorney or someone competent, sometimes a county judge. Honestly, with no reflection even on the local attorney, they have had limited, if any, experience in Government contracting or in contracting which has to subscribe to the guidelines and criteria applicable when Federal cost sharing is involved.

As a result, the local board will say to the Soil Conservation Service, "You have to assist us in this."

As a former State conservationist, I can give you my word that I have gone at night to the local office of the vocational agricultural teacher and have taken the mimeograph machine, hand operated, and have run off those invitations for bids as a special assistance to them, and sat there and helped them to make the decision after bids are opened and abstracts are made to determine the low bid and the competence of the low bidder, et cetera.

The Soil Conservation Service, in those cases, has to spend more time and more effort in assisting the sponsors than it would take to do the contracting ourselves. That is the situation. Yet we are eager to preserve this concept of the local sponsor assuming all the responsibility that he is willing and able to carry out.

Mr. GATHINGS. Under this legislation here they would have to request the SCS to come in and contract?

Mr. WILLIAMS. That is the key, unless they said, "Our circumstances are such that we believe in this case we would like for the Government to do it," the sponsors would do the contracting. We would do it only on their request.

Mr. GATHINGS. That is all.

The CHAIRMAN. Are there any other questions of Mr. Williams?

Mr. STUBBLEFIELD. Mr. Chairman?

The CHAIRMAN. Yes.

Mr. STUBBLEFIELD. Mr. Williams, we have situations where the watershed is approved and after the watershed is approved they have difficulty in getting the contractors to carry out or make the installations. Some cases go on 2 or 4 years with people paying these taxes and getting no benefit. Would this relieve that to some extent; that is, where you have 17 or 18 small dams and they have gone 3 or 4 years, completing 5 or 6 of them and the other sections are still paying the watershed tax and getting no benefit out of it?

That is what concerns me. I hear about it every time I go home. Will it enable them to bring in outside contractors to get this job done rather than depend entirely on the local people?

Mr. WILLIAMS. I would have to talk to that point in this way: I think that I was as surprised as a former contracting officer in Federal contracting when I learned that there was some State enabling legislation that actually prohibited a political subdivision of State government from issuing invitations for bids outside the State.

We have had instances because of this prohibition where a competent contractor just over the State line submitted the low bid but the award was made to a higher bidder because of this State enabling

legislation. This might be one of the instances where the local sponsor would say, "We would like for the Soil Conservation Service to handle the contracting." Under Federal contracting we could issue invitations to invite competitive bids from anywhere.

I would say if you had difficulty in locating competent contractors locally, this act would be helpful.

Mr. GATHINGS. It would not completely do away with the local contracting officer as we know him now?

Mr. WILLIAMS. It would only remove the local contracting officer whenever that local sponsor decided in advance that they wanted to ask the Soil Conservation Service to do the contracting for them.

Mr. GATHINGS. This applies maybe to one project, or two, or would the contracting officer be eliminated permanently?

Mr. WILLIAMS. The contracting would be limited to each request. If they wanted to handle the next contract, then that would be their privilege.

Mr. GATHINGS. Thank you.

That is all.

The CHAIRMAN. Mr. Zwach.

Mr. ZWACH. Thank you, Mr. Chairman.

Mr. Williams, if the sponsoring group decides that they want the help of the Secretary, and this is at their discretion, then the Secretary from there on advertises for bids, opens the bids, decides on the conditions of the contract, and awards the contract without any co-operation from the local group, would that be correct, if it is the desire of the local group?

Mr. WILLIAMS. Strictly speaking, that is correct. I would add that there is always consultation and cooperation between the sponsoring organizations and SCS in any joint undertaking. In other words, we would enjoy a representative of the sponsor to be present at the day of the formal opening of bids.

Mr. ZWACH. It would in a sense be a cooperative effort?

Mr. WILLIAMS. They would be consulted in that someone locally would help us in passing judgment on the capability of bidders. Sometimes you can get a real low bid and it shocks the conscience of the contracting officer in relation to the other bids as to whether this man is competent. You have to make a pretty careful study and evaluation as to the competence of an unusually low bidder for fear he has underbid and then can't perform.

Mr. ZWACH. Does this legislation in any way affect the application of the various Federal labor laws?

Mr. WILLIAMS. No, sir. Under Federal contracting Federal labor laws apply. Under local contracting State labor laws apply.

Mr. ZWACH. They already are in full application and in this respect there is no change?

Mr. WILLIAMS. That is right.

Mr. ZWACH. That is all, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Zwach.

Any other questions? (No response.)

If not, Mr. Williams, we are very much obliged to you and appreciate your attendance.

Mr. MILLER. Mr. Chairman, if I may before he leaves?

The CHAIRMAN. Yes.

Mr. MILLER. We have information in the report, Mr. Williams, that it has no effect on the respective contributions of the United States and the local organizations to finance the project, except to the extent it will reduce administrative costs.

Does this mean that it is possible that the Government would be contracting for all of these in a few years because the local authorities would see here a possibility to save some funds?

Mr. WILLIAMS. I would hope not, Mr. Miller, for this reason: I think it is generally understood all of us connected with this movement prefer local sponsors to take on this undertaking where this is their desire. We would expect many sponsors to become equipped to do the contracting where the scope of their future work will justify this action. We would, even though it would be more expensive, prefer to help train the local authorities to do this contracting rather than to take it over ourselves in order to preserve the local project concept.

If it is a small project or if there are special circumstances the local sponsors may feel that buying the land easements and rights-of-way and assuming responsibility for the land treatment work will use all their readily available resources. They may feel it an unnecessary burden for them to have to go out and hire an attorney, or an engineer, to do the contracting.

It should be recognized that the Soil Conservation Service will be out the cost of training and assisting those people that the sponsors obtain because Government contracting, or contracting in line with guidelines where Federal funds are spent is a specialty within itself.

A lawyer dealing with the regular rule of contract or an engineer dealing in construction work has to be trained in this specialty. The Federal input and the local input is largely duplicated where sponsors are to be involved in only a few contracts.

If they anticipate a number of contracts, we think to preserve the local project concept, we ought to give the training and assistance needed for them to do the contracting.

Mr. MILLER. Thank you.

The CHAIRMAN. Does anybody else want to ask Mr. Williams any questions? I don't want to dismiss him and have him come back for several questions afterwards. Is there anybody here who wants to ask Mr. Williams any questions? If so, say it now.

(No response.)

The CHAIRMAN. If not, we are very much obliged and you are dismissed.

Mr. WILLIAMS. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, sir.

Now I have a statement from Mr. Gordon K. Zimmerman of the National Association of Soil and Water Conservation Districts in favor of the bill. Without objection, it will be inserted in the record.

(The statement follows:)

THE NATIONAL ASSOCIATION OF SOIL
AND WATER CONSERVATION DISTRICTS,
Washington, D.C., May 31, 1968.

Hon. W. R. POAGE,
Chairman, House Committee on Agriculture,
House Office Building, Washington, D.C.

DEAR CONGRESSMAN POAGE: I understand the Committee on Agriculture will consider S. 2276, as amended, at a hearing on June 5, 1968. Because of a long-

scheduled meeting of our officers in St. Louis on that day, it will not be possible for a representative of the National Association of Soil and Water Conservation Districts to be present to testify on this proposed legislation. We would like to request, therefore, that this letter expressing our position be included in the hearing record.

We fully support the enactment of S. 2276, as amended. It would give Soil and Water Conservation Districts and other local sponsors of watershed projects the option of requesting the Soil Conservation Service to provide contracting services. The result, in such cases, would be greater efficiency and lowered costs.

At the convention of our Association held in February, 1967, at Cincinnati, Ohio, the NACD Council—representing 3,000 Conservation Districts and their 50 state associations—approved the following resolution:

"The National Association of Soil and Water Conservation Districts states its firm opinion that the absolute requirement of Public Law 566 for the local sponsoring organization to provide all services of contract administration results in serious inconvenience, delays, inefficiency, and waste of public resources. In some instances, compliance with this cumbersome requirement places undue burdens and legal risks upon organizations which are not equipped with trained personnel and financial resources to handle this work, and progress in the watershed construction program is impeded seriously.

"On the basis of this experience, the National Association of Soil and Water Conservation Districts goes on record as favoring the passage of an amendment to Public Law 566 which would allow the Soil Conservation Service to render directly all services—in preparation of invitations to bid and contract administration—at the option and request of the local sponsoring organization."

In our opinion, S. 2276 would carry out the intent of this resolution. We urge its approval by the Committee on Agriculture and its passage by the Congress.

Cordially,

GORDON K. ZIMMERMAN, *Executive Secretary.*

The CHAIRMAN. The next witness will be Mr. John H. Walsh of Jackson, Miss., representing the Associated General Contractors of America.

Mr. Walsh, we will be glad to hear from you.

STATEMENT OF JOHN H. WALSH, JOHN H. WALSH & CO., JACKSON-MISS., ACCOMPANIED BY D. A. (DON) GIAMPAOLI, ASSOCIATED GENERAL CONTRACTORS OF AMERICA, WASHINGTON, D.C.

Mr. WALSH. Mr. Chairman, and members of the committee, my name is John H. Walsh. I am president of the John H. Walsh Co., a heavy-construction firm located in Jackson, Miss.

I appear before you in behalf of the Associated General Contractors of America, an association of more than 8,400 of the Nation's leading general construction contractors. Most Federal public works construction is performed by members of the Associated General Contractors.

I am accompanied by D. A. Giampaoli, director, heavy-utilities division of the Associated General Contractors, Washington, D.C., who works closely with the Soil Conservation Service.

As a national representative of AGC, I am currently the association's soil conservation service liaison committee chairman, a position held for the last 4 years. This committee meets annually with the SCS to develop a realistic and workable approach to common problems in conservation construction contracting. We feel that this committee's deliberations have contributed to the improvement of contractual relations. For example, after the last meeting of the SCS—

AGC liaison committee then Acting SCS Administrator Kenneth E. Grant said in a March 18, 1968, letter to the national AGC office:

We are most pleased to participate with you in these discussions of topics of general interest. We feel that much good and much better understanding of our mutual problems has developed from these meetings. We are particularly pleased that similar liaison committees with our State offices have been established with many of your chapters. We hope that eventually such a relationship can be developed throughout the country. You can be assured of our continued interest and cooperation in this matter. We feel that contractors are a vital and necessary part of the conservation team and that it is fitting and proper for us to continue to work on our mutual problems on the basis which has been established through the good efforts of the joint committee.

GENERAL STATEMENT

We appreciate this opportunity to testify in favor of S. 2276, amending Public Law 566, the Watershed Protection and Flood Prevention Act. The objective of this testimony is to indicate the need for congressional passage of S. 2276 which will allow the Soil Conservation Service to perform directly all contract administration services including preparation of bid invitations at the option and request of local sponsoring organizations. The policy to favor an amendment to the Watershed Protection and Flood Prevention Act, as S. 2276 provides, was approved by motion during our legislative committee meeting at the AGC Annual Convention in March 1967. This action was subsequently ratified by the association's board of directors.

This legislation would not take authority or control from local organizations, which it should not, but would permit them to request this contract administration service as needed. Since this amendment is voluntary, it would not affect those State and local organizations that have adequate and qualified staffs to administer Public Law 566 contracts.

RESOLUTION BY THE NATIONAL ASSOCIATION OF SOIL AND WATER CONSERVATION DISTRICTS

The National Association of Soil and Water Conservation Districts passed the following resolution during its 21st annual convention in February 1967, which favors this amending legislation:

RESOLUTION No. 16

WATERSHED CONTRACTING

The National Association of Soil and Water Conservation Districts states its firm opinion that the absolute requirement of P. L. 566 for the local sponsoring organization to provide all services of contract administration results in serious inconvenience, delays, inefficiency, and wastes of public resources. In some instances, compliance with this cumbersome requirement places undue burden and legal risks upon organizations which are not equipped with trained personnel and financial resources to handle this work, and progress in the watershed construction program is impeded seriously. On the basis of this experience, the National Association of Soil and Water Conservation Districts goes on record as favoring the passage of an amendment to P.L. 566 which would allow the Soil Conservation Service to render directly all services—in preparation of invitations to bid and contract administration—at the option and requests of the local sponsoring organization.

EFFICIENT CONTRACT ADMINISTRATION

Passage of S. 2276 would promote efficient contract administration. Many local authorities that administer Public Law 566 contracts are not adequately staffed to perform contract administration services efficiently since they are not equipped with trained personnel for this purpose. These conditions create costly delays and inequitable procedures. Should the Soil Conservation Service be allowed to administer this program on a voluntary basis, then the provisions of Standard Form 23-A, General Provisions of the Federal Construction Contract, would become operative. The disputes clause of Standard Form 23-A affords the contractor an opportunity to appeal a contracting officer's decision directly to the head of an agency through Boards of Contract Appeals. Appeals of this nature are not available under Public Law 566 contracts. The only resource now available is to a local court. Retainage of funds earned by a contractor are set forth in Standard Form 23-A in a stated percentage to be withheld and the conditions affecting retained amounts. Under Public Law 566 contracts, such retainage varies according to the laws and policies of the State where the work is performed. Some require retention of moneys for a considerable time after completion and acceptance of the work even when the contractor has furnished a performance and payment bond. Recent improvements to Standard Form 23-A allowing an equitable adjustment for unreasonable delays occasioned by contract modifications would also become operative under contract administration by the Soil Conservation Service.

CONCLUSION

Passage of S. 2276 will therefore advance the cause of conservation construction by improved contract administration, encouragement of increased open competitive bidding and less overhead expenses for the contractor, the local authority, and the Soil Conservation Service. The public will benefit by ultimate reductions in costs as more work will be performed for each dollar spent.

Thank you for the opportunity to present our views and to urge approval of this beneficial legislation.

The CHAIRMAN. Thank you, Mr. Walsh.

Are there questions of Mr. Walsh; anybody have any questions?

Mr. Zwach?

Mr. ZWACH. Thank you, Mr. Chairman.

Mr. Walsh, you represent the Association of General Contractors. I would assume that one of the reasons this has been in the main in local hands is that this program has always been wonderfully quite nonpolitical and we have proceeded on that basis.

Your group has no fear that this procedure would in any way endanger the program by opening it up if contracts can be let by the governmental agency this would open up the avenue of politics?

Mr. WALSH. No, sir.

Mr. ZWACH. In awarding contracts?

Mr. WALSH. No, sir.

Mr. ZWACH. You know in State levels we are familiar over the years with the skullduggery in this area. I would hate to see politics get into these contract lettings.

You are convinced as a contractor, representing contractors, that this will not be the case?

Mr. WALSH. I am. Yes, sir.

I can say that I know from my own State's conditions, and you know much more, better than I do the rest of the country, but in our State when they form a drainage district they are small, some of them.

Mr. ZWACH. It is a nonpartisan effort?

Mr. WALSH. Five landowners, farmers, ranchers form a committee and one of them is the chairman and he becomes the contracting officer.

As Mr. Williams testified, this may be the only contract they will ever handle in their lives. They never know anything about the administration of these.

Mr. ZWACH. I am aware of this. You are concerned and your group is satisfied that this will not open this avenue?

Mr. WALSH. Yes, sir. Right now the Soil Conservation Service has to do it all. That man is just a figurehead. He is a contractor to contract jobs that I have had, take the papers out in the country to get them signed, estimates, change orders, and then bring them back. If you mail them to them, they won't even mail them back to you. They are not interested in getting involved in the paper work.

We are satisfied, and I am sure the local people are, because they depend entirely on the Soil Conservation Service to do all of the detail work. Just over the river in Louisiana they have a well-established department of public works, the State has, that does all this type work. They will continue to handle everything because they have a well-established engineering staff that does this.

Mr. ZWACH. Your association is satisfied this will not develop?

Mr. WALSH. Yes, sir.

Mr. ZWACH. They are not afraid of that?

Mr. WALSH. Yes, sir.

Mr. ZWACH. Thank you.

The CHAIRMAN. Any other questions of Mr. Walsh?

Mr. MILLER. I notice one area where you speak of form 23-A and where it states:

Recent improvements to standard form 23-A allowing an equitable adjustment for unreasonable delays occasioned by contract modification would also become operative under contract administration by the Soil Conservation Service.

Can you tell us what we are talking about in the delays and how you would be helped by this form 23-A?

Mr. WALSH. Let Mr. Giampaoli speak to that. He has more experience with that, if you don't mind.

Mr. GIAMPAOLI. Congressman Miller, as of February 1 of this year there were new changes, different site conditions, and suspension of work clauses applied to the general provisions of the Federal construction contract. Prior to that time, a modification issued by the contracting officer under a Federal construction contract, the equitable adjustment involved that part of the work which was in fact changed by the change order. If that change order affected work which was not a part

of the actual change order and a delay was incurred, the equitable adjustment did not involve this. This was by a Supreme Court decision some years ago which evolved, became called the *Rice* doctrine. We called this equitable adjustment for the unreasonable delays occasioned by changes, impact costs, or consequential costs.

Now with the changes in that new version of these clauses, this is allowable.

Mr. MILLER. Is it possible for the local people to use the standard form 23-A as well as the Federal Government to use that same form?

Mr. GIAMPAOLI. I would hope that standard form 43, which would be used in Public Law 566 contracts, where the local authority is the contracting officer, would seek to incorporate these changes.

Mr. MILLER. Thank you.

The CHAIRMAN. Any further questions?

(No response.)

The CHAIRMAN. If there are no further questions, I want to dismiss this witness and say we are very much obliged to you, Mr. Walsh.

Mr. WALSH. Thank you.

The CHAIRMAN. That completes our list of witnesses.

Is there anyone else who wants to make a statement in connection with this legislation?

If not——

Mr. ZWACH. Mr. Chairman?

The CHAIRMAN. Yes.

Mr. ZWACH. So far we have had no requests for anybody to appear in opposition to this bill?

The CHAIRMAN. We have not.

If there is anybody who wants to appear in opposition, we will be glad to hear him.

Mr. STUBBLEFIELD. At this point?

The CHAIRMAN. Right now.

I don't hear anybody who wants to appear. Therefore, the committee will take this matter under advisement.

We are very much obliged to you gentlemen who attended.

(Whereupon, the committee proceeded to other business.)

LEGISLATIVE HISTORY
Public Law 90-361
S. 2276

TABLE OF CONTENTS

Index and summary of S. 2276.....1
Digest of Public Law 90-361.....2

INDEX AND SUMMARY OF S. 2276

Aug.	11, 1967	Senator Ellender introduced S. 2276 which was referred to Senate Agriculture and Forestry Committee. Print of bill as introduced.
May	14, 1968	Senate subcommittee approved for full committee consideration.
May	15, 1968	Senate committee voted to report S. 2276.
May	16, 1968	Senate committee reported S. 2276 . S. Rept. 1125. Print of bill and report.
May	17, 1968	Senate passed over S. 2276.
May	20, 1968	Senate passed S. 2276
May	21, 1968	S. 2276 was referred to House Agriculture Committee. Print of bill as referred.
June	5, 1968	House committee voted to report S. 2276.
June	11, 1968	House committee reported S. 2276. H. Rept. 1539. Print of bill and report.
June	17, 1968	House passed S. 2276 without amendment.
June	27, 1968	Approved: Public Law 90-361.

S. 2276

IN THE SENATE OF THE UNITED STATES

AUGUST 11, 1967

Mr. ELLENDER (by request) introduced the following bill; which was read twice
and referred to the Committee on Agriculture and Forestry

A BILL

To amend the Watershed Protection and Flood Prevention Act
to permit the Secretary of Agriculture to contract for the
construction of works of improvement upon request of local
organizations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 5 (2) of the Watershed Protection and Flood
4 Prevention Act is amended to read as follows:

5 “(2) Except as to the installation of works of improve-
6 ment on Federal lands, the Secretary shall not construct or
7 enter into any contract for the construction of any structure
8 unless requested to do so by the local organization.”

A BILL

To amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations.

By Mr. ELLENDER

AUGUST 11, 1967

Read twice and referred to the Committee on
Agriculture and Forestry

SENATE

May 14, 1968

10. TRANSPORTATION. Passed as reported H. R. 15190, to extend to Dec. 1, 1970, the time in which a commission must complete its study and make its recommendations to determine a site for the construction of a sea-level canal connecting the Atlantic and Pacific Oceans and increase the amount authorized for the study from \$17.5 to \$24 million. p. S5549
11. FORESTRY. A subcommittee of the Agriculture and Forestry Committee approved for full committee consideration without amendment S. 3115, authorizing establishment of the Robert S. Kerr Memorial Arboretum and Nature Center in the Ouachita National Forest, Okla., and S. 2837, authorizing establishment of the Cradle of Forestry in America in the Pisgah National Forest, N. C. p. D430
12. WATERSHEDS. A subcommittee of the Agriculture and Forestry Committee approved for full committee consideration with amendments S. 2276, permitting Secretary of Agriculture to contract for works of improvement under the Watershed Protection and Flood Prevention Act, upon request of local organizations. p. D430
13. CONSERVATION. The "Daily Digest" states a subcommittee of the Agriculture and Forestry Committee postponed action on S. 1423, authorizing Secretary of Agriculture to enter into 10-year cost-sharing agreements with landowners for the use of lands and for soil and water conservation. p. D430
Sen. Hart was added as a cosponsor of S. 3126, to regulate surface and strip mining. p. S5467
Sen. Mansfield inserted Sen. Morse's statement recognizing Albert J. Webber, Oregon's State Conservationist, awarded the USDA Superior Service Award "for dynamic leadership and initiative." p. S5495
14. SHIPPING. Received from Commerce a proposed bill "to amend the last sentence of section 201(b) of the Merchant Marine Act, 1936"; to Commerce Committee. p. S5465
15. CCC. Received a GAO report on an opportunity to reduce costs by accelerating the disposal of unneeded CCC storage structures. p. S5465
16. GOVERNMENT OPERATIONS. Received from GAO a compilation of findings and recommendations for improving government operations. p. S5465
17. IDA. Sen. Sparkman announced that the Foreign Relations Committee has scheduled a public hearing on S. 3378, a bill to authorize an appropriation of \$480,000,000 for the U. S. contribution to the International Development Association, on Tues., May 21. p. S5468
18. BALANCE OF PAYMENTS. Sen. Tower urged support of S. 3218, "to improve the balance of payments and foster the long term commercial interest of the United States" by broadening the scope of Government financing of exports. p. S5471

Sen. Hart inserted an article about a U. S. business firm that "has done very well by the United States and our balance-of-payments problem." p. S5475

19. HOUSING. Sen. Percy inserted an article which "proposes a new program...in housing, to enable lower income families to become owners of their own condominium apartment units." pp. S5481-95
20. TAXATION. Sen. Mansfield inserted an editorial, "Why a Tax Increase Is Now Imperative." pp. S5514-5
21. FOOD STAMP. Sen. Byrd, W. Va., discussed his bill to place the food stamp program on a legislative base which will permit it "to more effectively contribute to the elimination of hunger in this country." pp. S5505-6

EXTENSION OF REMARKS

22. POVERTY. Sen. Tower inserted an article critical of the poverty program. pp. E4165-6
Rep. Rumsfeld inserted a statement critical of a number of the basic premises on which antipoverty efforts have been based. pp. E4221-4
Rep. Evins, Tenn., announced that the House Small Business Administration will begin hearings May 20 on the antipoverty loan program. pp. E4230-1
23. FARM PROGRAM. Rep. Findley stated that farmers are caught in a "vicious cost price squeeze", and inserted an article, "Farmers, Consumers Beat Sad Tune." p. E4182
Rep. Findley inserted a letter from the president of the Ill. Agricultural Ass'n opposing a one-year extension of the Agricultural Act of 1965. pp. E4192-3
24. INFORMATION. Rep. Rumsfeld inserted the text of a paper: "The Federal Data Center: Proposals and Reactions." pp. E4210-4
25. FARM LABOR. Rep. Cohelan expressed his support for legislation to benefit migrant agricultural workers and inserted an article, "Migrant Labor Fights for Freedom." p. E4216
26. FOOD FOR PEACE. Rep. Nelsen urged support for continuing the food-for-peace program, "recognizing its many contributions to people at home and abroad." pp. E4217-8

BILLS INTRODUCED

27. HUNGER. H. R. 17250 by Rep. Bell and H. R. 17264 by Rep. Collier and others, to establish a Commission on Hunger; to Education and Labor Committee.
28. TAXATION. H. R. 17255 by Rep. Hamilton, to amend the Internal Revenue Code of 1954 to provide that farming losses incurred by persons who are not bona fide farmers may not be used to offset nonfarm income; to Ways and Means Committee. Remarks of author pp. E4172-3

May 15, 1968

-3-

11. HEW. Both Houses received the annual report of HEW for fiscal 1967. pp. H3867, S5619
12. PERSONNEL. Both Houses received from Transportation a proposed bill to authorize the payment of expenses of preparing and transporting to his home or place of interment the remains of a Federal employee who dies while performing official duties in Alaska or Hawaii; to Government Operations Committees. pp. S5619, H3867
13. COUNTY COMMITTEES. The committee report on S. 1028, to extend certain benefits to former employees of county committees, contains the following:

"The purpose of this legislation is to facilitate the hiring of qualified personnel in positions in the Department of Agriculture by removing certain impediments to the recruitment of experienced county committee employees of the Agricultural Stabilization and Conservation Service (ASCS)."

"Enactment of S. 1028 will provide for desirable changes in the conditions under which ASCS personnel may enter into Federal employment with the Department of Agriculture, as follows:

"(1) The Department of Agriculture will be enabled to place the employee in a civil service position at a salary step which is comparable to, but does not exceed, his prior county salary rate.

"(2) The employee's annual and sick leave will be transferred to the new position in the Department of Agriculture.

"(3) The employee's former county committee employment service will be creditable for leave earning purposes and reduction-in-force purposes in the new position in the Department of Agriculture."
14. CREDIT UNIONS. The committee report on H. R. 14907, to amend the Federal Credit Union Act, states that the amended version of the bill would: (1) extend the maturity of loans made on a secured basis from 5 to 10 years, (2) permit credit unions to make investments into State-chartered central credit unions, (3) enable Federal credit unions to purchase from any liquidating credit union notes of that credit union even though the member whose note was being sold would not become a member of the purchasing credit union, (4) provide that credit unions may facilitate members' purchases of health and accident insurance on credit union loans and include the cost of this insurance in the loan repayment schedule with no fee charged for this activity, (5) allow the board to delegate the borrowing authority to the executive committee, (6) increase the unsecured loan limit to 2½% of unimpaired capital and surplus, (7) provide for two additional audits plus the annual examination, and (8) make it clear that only a majority vote of the board is necessary for removal of a member of the supervisory committee.
- SENATE
15. HOUSING. The Banking and Currency Committee reported an original bill S. 3497, to assist in the provision of housing for low- and moderate-income families and to extend and amend laws relating to housing and urban development (S. Rept. 1123). p. S5619

16. SUPPLEMENTAL APPROPRIATIONS. H. J. Res. 1268, making supplemental appropriations for fiscal year 1968 for highways and certain claims, was ordered to lie on the table. p. S5570
17. ~~FOOD STAMPS; FORESTRY; COMMODITY EXCHANGES; LOANS; WATERSHEDS.~~ The Agriculture and Forestry Committee voted to report (but did not actually report) ~~without amendment S. 3068, authorizing \$245 million for the Food Stamp Act for fiscal year 1969; S. 2837, authorizing establishment of the Cradle of Forestry in America in the Pisgah National Forest, N.C.; S. 3143, making frozen concentrated orange juice subject to the provisions of the Commodity Exchange Act; S. J. Res. 168, authorizing temporary emergency funds for the Farmers Home Administration; and H. R. 15822, authorizing establishment of the Robert S. Kerr Memorial Arboretum and Nature Center in the Ouachita National Forest, Okla.; and with amendment S. 2276, permitting Secretary of Agriculture to contract for works of improvement under the Watershed Protection and Flood Prevention Act upon request of local organizations.~~ pp. D435-6
18. FARM PROGRAM. The "Daily Digest" states the Agriculture and Forestry Committee "announced that it had agreed to act this year on the extension of the Food and Agriculture Act of 1965 (P.L. 89-321), and that it plans to hold hearings on a bill, to be introduced by Senator Ellender, embodying amendments to this act proposed during recent hearings." p. D436
19. POVERTY; BUILDINGS. Sen. Byrd, W. Va., inserted an SCLC statement that participants in the Poor People's Campaign might "hang around" this Department. p. S5498 (May 14)
20. FARMERS HOME ADMINISTRATION. Sen. Scott was added as a cosponsor of S. 3165, to amend the Consolidated Farmers Home Administration Act to provide for loans to public bodies which, upon sale by the Farmers Home Administration, shall bear taxable interest. p. S5621
21. ARTS AND HUMANITIES. Sen. Pell commended President Johnson's interest in arts and humanities and inserted the President's remarks at the dedication of the Smithsonian Institution's National Collection of Fine Arts. pp. S5629-30
22. AWARDS; FARM PROGRAM. Sen. Ellender commended the "Department's growth and increased responsibility" and inserted his speech made at the USDA Honor Awards Ceremony May 14. pp. S5636-7
23. ELECTRIFICATION. Sen. Metcalf quoted a welfare administrator who wrote, "Utility charges...is an area where poor people suffer the most," and inserted an article from Electrical World. pp. S5649-51
24. HORSES. Sen. Hansen inserted material regarding the problems arising over the fate of the wild horse herd in the Pryor Mountain area of Wyo. and Mont. pp. S5652-3

May 16, 1968

10. REDWOOD PARK. Rep. Don H. Clausen criticized proposals in the Redwood Park proposed legislation "which would take tens of thousands of acres of private timber-growing lands" and spoke in support of his bill which would create a Redwood National Park and Seashore and would not "create economic devastation." pp. H3896-7
11. ELECTRIFICATION. Rep. Natcher congratulated the REA on its 33rd anniversary for "bringing to light the vital importance of farm efficiency and rural development." p. H3899
12. HOUSING. Rep. Patman inserted a Washington Post article in recognition of Rep. Sullivan's sponsorship of the rehabilitation housing program. pp. H3920-1
13. FOREIGN TRADE. Rep. Rees inserted Rep. Ashley's testimony in which he discussed the "problems arising from our international trade agreements and how these problems relate to the current imbalance of payments." pp. H3918-19
14. LEGISLATIVE RECORD. Rep. Stratton inserted a summary of the "accomplishments of the first session of this 90th Congress." pp. H3922-3
15. FOREIGN SERVICE. Received from State a proposed bill "to amend the Foreign Service Act of 1946; to Foreign Affairs Committee. p. H3924
16. LEGISLATIVE PROGRAM. Rep. Albert announced the following program for next week: Mon., Consent Calendar and under suspension Farm Credit Adm. amendments, and assaults on postal employees. Tues., Interior appropriations. Wed. and the balance of the week, grain standards; emergency credit revolving fund; and Land and Water Conservation Fund Act amendment. pp. H3892-3
17. ADJOURNED until Mon., May 20. p. H3924

SENATE

18. WATERSHEDS; ~~FORESTRY; LOANS; COMMODITY EXCHANGES; FOOD STAMPS.~~ The Agriculture and Forestry Committee reported without amendment S. 2837, to ~~authorize this Department to establish the Cradle of Forestry in America in the Pisgah National Forest, N. C. (S. Rept. 1129); S. 3068, to authorize appropriation of \$245 million under the Food Stamp Act for the fiscal year 1969 (S. Rept. 1130); S. 3143, to make frozen concentrated orange juice subject to the provisions of the Commodity Exchange Act (S. Rept. 1128); S. J. Res. 168, to authorize the temporary funding of the emergency credit revolving fund (S. Rept. 1127); H. R. 15822, to authorize this Department to establish the Robert S. Kerr Memorial Arboretum and Nature Center in the Ouachita National Forest, Okla. (S. Rept. 1126); H. R. 15364, to provide for increased U. S. participation in the Inter-American Development Bank (S. Rept. 1131); and with amendment S. 2276, to amend the Watershed Protection and Flood Prevention Act to permit this Department to contract for the construction of works of improvement upon request of local organizations. (S. Rept. 1125).~~ p. S5712

the construction of works of improvement upon request of local organizations (S. Rept. 1125). p. S5712

in both Houses

19. ARTS AND HUMANITIES. Conferees were appointed/on H. R. 11308, to amend the National Foundation on the Arts and Humanities Act of 1965. pp. S5771, H3892
20. MINK IMPORTS. Sen. Javits urged review of the Tariff Commission's report on mink fur skins in view of conflicting points of view with respect to the state of economic health of the domestic mink producers. pp. S5705-6
21. COMMUNICATION. Sen. Allot expressed concern with the planning and coordination of communications equipment capabilities in the event of civil disorders during the march on Washington. pp. S5710-12
22. HEALTH; SAFETY. Sen. Javits inserted his amendment to S. 2864, the occupational health and safety bill, to provide for establishment of a broadly based Commission to make a comprehensive study and evaluation of our workmen's compensation laws. pp. S5722-28
23. AGING. Sen. Williams, N.J., inserted an article describing "the increasing difficulties faced by Americans who are trying to provide adequately for retirement." pp. S5729-30
24. AWARD. Sen. Byrd, Va., recognized Tom F. McGourin, Va. soil conservationist who received a Superior Service Award from the Department. p. S5731
25. CROP INSURANCE. Sen. Burdick commended the "importance to the rural economy of the Federal Crop Insurance Corporation" which is illustrated in N. Dak. pp. S5731-2
26. COOPERATIVES. Sen. Hart commended the recognition received by forestry cooperatives from FS and FCS administrators. p. S5733
27. EXPORTS. Sen. Smathers inserted articles reporting the highlights of the New Jersey-New York testimony before the Select Committee on Small Business on export expansion for regional industries, small business, and the balance of payments. pp. S5759-61
Sen. Williams, N.J., inserted Sen. Morse's statement on the export trade expansion hearings. p. S5761
28. CREDIT UNIONS. Sen. Percy inserted a speech before CUNA International, Inc. challenging the members to make credit available to the poor. pp. S5762-4

EXTENSION OF REMARKS

29. RESEARCH. Rep. Karth inserted Rep. Miller's speech to the Consultative Assembly of the Council of Europe, "A Parliamentarian's View of Science and Technology." pp. E4303-6

WATERSHED PROJECT CONTRACT PROCEDURE

MAY 16 (legislative day, MAY 14), 1968.—Ordered to be printed

Mr. EASTLAND, from the Committee on Agriculture and Forestry,
submitted the following

REPORT

[To accompany S. 2276]

The Committee on Agriculture and Forestry, to which was referred the bill (S. 2276) to amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations, having considered the same, reports favorably thereon with an amendment and recommends that the bill do pass.

This bill amends the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture, upon the request of the local organization, to contract for the construction of works of improvement. At present the Secretary is prohibited from constructing, or contracting to construct, such works, so the contracting must be done by the local organizations.

Local organizations frequently are inexperienced in contract administration, and act under the supervision of the Secretary, with added difficulty for the local organization, the Secretary, and contractors. The bill, by permitting the Secretary to execute the contract, would result in lower cost, save time, avoid disputes, and strengthen operation of the program. It has no effect on the respective contributions of the United States and the local organization to the financing of the project, except to the extent that it would reduce administrative costs.

The committee amendment, which was suggested by the Department, would make it clear that the Secretary could not undertake construction, but would be limited to contracting for such construction.

DEPARTMENTAL VIEWS

A letter from the Secretary of Agriculture recommending enactment is attached.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., January 24, 1968.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letter of August 14, 1967, requesting a report by this Department on S. 2276, a bill to amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations.

We recommend the enactment of this proposed legislation with the following amendment:

On page 1, delete line 8, place a colon at the end of line 7 after the word "structure" and add the following after the colon: "Provided, That, if requested to do so by the local organization, the Secretary may enter into contracts for the construction of structures." This amendment is being recommended because the Department does not foresee the need for construction authority at this time.

The bill, if amended as proposed, would authorize the Secretary of Agriculture, upon request of sponsoring local organizations, to enter into contracts for the construction of works of improvement in Public Law 566 watershed protection projects. It would not authorize the Secretary to construct works of improvement by force account.

Many sponsoring local organizations have not had previous experience in the administration of construction contracts. This lack of experience creates difficulties not only for them but also for the Department and for the contractors.

The proposed bill would reduce the time required in rendering decisions on contract problems and issuing instructions to contractors. It would eliminate many of the disputes and claims that are caused by the inexperience of the sponsors in dealing with construction contracting and by the contract administration processes which are now required. Since most of the construction contractors involved in watershed work are familiar with Government contracting procedures, the bill would reduce the cost of construction as well as the cost of contract administration.

If enacted with the proposed amendment, this bill would greatly strengthen the operation of the watershed protection and flood prevention program.

The Bureau of the Budget advises that there would be no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

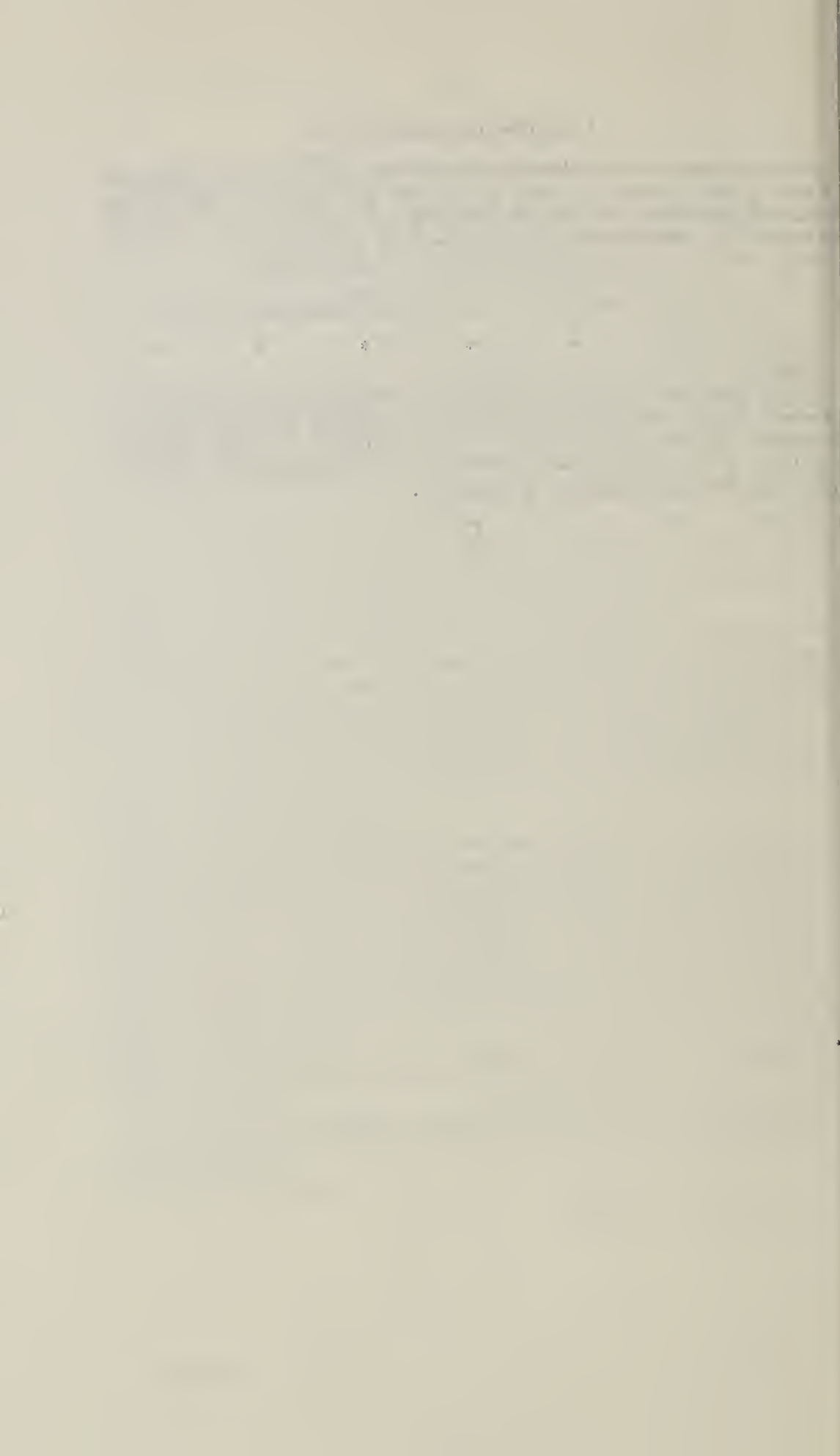
WATERSHED PROTECTION AND FLOOD PREVENTION ACT

* * * * *

SEC. 5. * * *

(2) Except as to the installation of works of improvement on Federal lands, the Secretary shall not construct or enter into any contract for the construction of any structure: *Provided, That, if requested to do so by the local organization, the Secretary may enter into contracts for the construction of structures.*

○



90TH CONGRESS
2D SESSION

Calendar No. 1108

S. 2276

[Report No. 1125]

IN THE SENATE OF THE UNITED STATES

AUGUST 11, 1967

Mr. ELLENDER (by request) introduced the following bill; which was read twice
and referred to the Committee on Agriculture and Forestry

MAY 16 (legislative day, MAY 14), 1968

Reported by Mr. EASTLAND, with an amendment

A BILL

To amend the Watershed Protection and Flood Prevention Act
to permit the Secretary of Agriculture to contract for the
construction of works of improvement upon request of local
organizations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 5 (2) of the Watershed Protection and Flood
4 Prevention Act is amended to read as follows:

5 “(2) Except as to the installation of works of improve-
6 ment on Federal lands, the Secretary shall not construct or
7 enter into any contract for the construction of any structure
8 unless requested to do so by the local organization: *Provided,*
9 *That, if requested to do so by the local organization, the*

A BILL

To amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations.

By Mr. ELLENDER

August 11, 1967

Read twice and referred to the Committee on
Agriculture and Forestry

May 16 (legislative day, May 14), 1968

Reported with an amendment

1 Secretary may enter into contracts for the construction of
2 structures.”

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued May 20, 1968
For actions of May 17, 1968

CONTENTS

Adjournment.....17	Forestry.....2,3,13	Organization.....12
Civil defense.....5	Food stamps.....1	Population.....16
Commodity exchanges.....4	Highways.....13	Small business.....15,20
Emergency funds.....7	Hunger.....9	Taxation.....11
Employment.....16	Kerr Memorial.....2	Water pollution.....8,14
Environmental quality.8,14	Loans.....7	Watersheds.....6
Flood control.....6,19	Meat inspection.....18,20	Wilderness.....13
Foreign trade.....10	Orange juice.....4	

HIGHLIGHTS: Senate passed food stamp bill. Senate passed bill to establish Cradle of Forestry. Senate passed bill to establish Kerr Memorial Arboretum.

SENATE

1. FOOD STAMPS. Passed without amendment S. 3068, to amend the Food Stamp Act of 1964 so as to increase the authorization for fiscal year 1969 from \$225,000,000 to \$245,000,000. At the request of Sen. Mansfield the following excerpt from the committee report was inserted:

"This bill is needed to permit orderly growth of the program. In December 1967 the number of areas designated under the program totaled 1,239. By June 30, 1968, total participation in these areas is expected to be about 2,750,000 persons, which will take the full \$225 million authorized for fiscal 1969, leaving no room for expansion.

"In order to assure proper administration of the food stamp program the committee recommends that the Department make clear to dealers and food stamp recipients, through written statements furnished to them, store display signs, and otherwise, the purposes for which food stamps may be used and the penalties for misuse of stamps, or other violations of the act." p. S5776

2. KERR MEMORIAL. Passed without amendment H. R. 15822, to authorize this Department to establish the Robert S. Kerr Memorial Arboretum and Nature Center in the Ouachita National Forest, Okla. This bill will now be sent to the President. At the request of Sen. Mansfield the following excerpt from the committee report was inserted:

"This bill provides for establishment of the Robert S. Kerr Memorial Arboretum and Nature Center in the Ouachita National Forest in Oklahoma, to be administered under national forest laws and regulations so as to promote learning about nature and forest land management. Cooperation with, and receipt of contributions from, public and private sources is authorized. The boundaries would be determined by the Secretary of Agriculture, published in the Federal Register, and shown on a map in the office of the Chief of the Forest Service." p. S5775

3. FORESTRY. Passed without amendment S. 2837, to authorize this Department to establish the Cradle of Forestry in America in the Pisgah National Forest, N. C. At the request of Sen. Mansfield the following excerpt from the committee report was inserted:

"This bill provides for establishment of the Cradle of Forestry in America in the Pisgah National Forest in North Carolina, to be administered under national forest laws and regulations so as to promote knowledge about forestry education and forest land management. Cooperation with, and receipt of contributions from, public and private sources is authorized...The area consists of about 6,800 acres around the site of the Biltmore Forest School, the first technical forestry school in America." pp. S5775-6

4. ORANGE JUICE. Passed without amendment S. 3143, to make frozen concentrated orange juice subject to the Commodity Exchange Act. p. S5775

5. CIVIL DEFENSE. The Armed Services Committee reported without amendment S. 15004, to further amend the Federal Civil Defense Act of 1950, to extend the expiration date of certain authorities thereunder (S. Rept. 1134). p. S5779

6. WATERSHEDS. Passed over S. 2276, to amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations. p. S5775

ated construction of this facility. It, therefore, established the New Jersey Highway Authority, which was authorized to complete the Garden State Parkway by the sale of revenue bonds financed by tolls imposed upon the users.

At the present time the toll-free sections of highway which make up the original 20 miles carry heavy traffic composed both of local and through travelers. The current inadequacy of the present stretches has created certain safety and convenience problems which can be solved through the reconstruction of these sections and the imposition of tolls to pay for such improvements, while at the same time constructing parallel toll-free facilities to serve local traffic.

The committee conducted a hearing on S. 1558 at which time the Department of Transportation of the State of New Jersey, the New Jersey Highway Authority, and the U.S. Department of Transportation testified in favor of the enactment of this legislation. During the course of the hearing, testimony was received from a representative of one of the communities involved regarding the necessity for the provision of alternate toll-free facilities for local service.

ANALYSIS OF THE BILL

The legislation would authorize the State of New Jersey to repay to the Treasurer of the United States for deposit in the highway trust fund, funds equivalent to the amounts received by the State of New Jersey for construction of the enumerated sections of highway as Federal-aid highways. The amount so repaid will be credited to the account of the State of New Jersey and will be used in the construction of other Federal-aid highways.

The committee, in reporting S. 1558, recommends the amendment of the bill to require the construction of toll-free highway facilities in the vicinity of the enumerated sections as may be necessary to adequately serve local traffic. Facilities will be constructed pursuant to an agreement between the New Jersey Highway Authority and the State of New Jersey acting through its State House Commission. This commission is a bipartisan group of elected officials headed by the Governor and who will most certainly be in a position to adequately protect the local interests while insuring that the needs of the State are properly met.

Upon construction of the toll-free facilities and repayment of the Federal-aid funds expended in connection with the construction of sections of the Garden State Parkway enumerated in the bill, the New Jersey Highway Authority will be able to impose tolls on the heretofore free sections of highway.

Legislation of this type has been considered and passed by the Congress on other occasions. The most recent two examples were: (1) The authorized repurchase by the State of Connecticut of mileage constructed with Federal aid pursuant to provisions of section 22(a), Public Law 350, 83d Congress and (2) a similar repurchase by the States of Maryland and Delaware pursuant to section 6(a) of Public Law 86-657.

BILL PASSED OVER

The bill (S. 2276) to amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations was announced as next in order.

Mr. MANSFIELD. Over, Mr. President. The ACTING PRESIDENT pro tempore. The bill will be passed over.

ROBERT S. KERR MEMORIAL ARBORETUM

The bill (H.R. 15822) to authorize the Secretary of Agriculture to establish the Robert S. Kerr Memorial Arboretum and Nature Center in the Ouachita National Forest in Oklahoma, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1126), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill provides for establishment of the Robert S. Kerr Memorial Arboretum and Nature Center in the Ouachita National Forest in Oklahoma, to be administered under national forest laws and regulations so as to promote learning about nature and forest land management. Cooperation with, and receipt of contributions from, public and private sources is authorized. The boundaries would be determined by the Secretary of Agriculture, published in the Federal Register, and shown on a map in the office of the Chief of the Forest Service. The Department of Agriculture recommends enactment, and advises that the center would consist of about 350 acres on the Talimena Scenic Drive containing numerous game and song birds. Total annual visits to the area are expected to exceed 400,000 by 1976. The Department estimates that the total cost of planning and development over a 3-year period will be about \$1.5 million. Operating costs will probably build up to about \$150,000 per year.

BILL PASSED OVER

The bill (S.J. Res. 168) to authorize the temporary funding of the emergency fund was announced as next in order.

Mr. MANSFIELD. Over, Mr. President. The ACTING PRESIDENT pro tempore. The bill will be passed over.

FROZEN CONCENTRATED ORANGE JUICE

The bill (S. 3143) to amend the Commodity Exchange Act, as amended, to make frozen concentrated orange juice subject to the provisions of such act was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third sentence of section 2(a) of the Commodity Exchange Act, as amended (7 U.S.C. 2), is amended by striking out "and livestock products" and inserting in lieu thereof "livestock products, and frozen concentrated orange juice".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1128), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill would amend the Commodity Exchange Act to add frozen concentrated orange

juice to the list of commodities subject to regulation under that act. The effect of the bill is further explained in the attached report from the Department of Agriculture recommending enactment of the bill.

CRADLE OF FORESTRY

The bill (S. 2837) to authorize the Secretary of Agriculture to establish the Cradle of Forestry in America in the Pisgah National Forest in North Carolina, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve, develop, and make available to this and future generations the birthplace of forestry and forestry education in America and to promote, demonstrate, and stimulate interest in and knowledge of the management of forest lands under principles of multiple use and sustained yield and the development and progress of management of forest lands in America, the Secretary of Agriculture is hereby authorized to establish the Cradle of Forestry in America in the Pisgah National Forest, North Carolina. As soon as possible after this Act takes effect, the Secretary of Agriculture shall publish notice of the designation thereof in the Federal Register together with a map showing the boundaries which shall be those shown on the map entitled "Cradle of Forestry in America" dated April 12, 1967, which shall be on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture.

Sec. 2. The area designated as the Cradle of Forestry in America shall be administered, protected, and developed within and as a part of the Pisgah National Forest by the Secretary of Agriculture in accordance with the laws, rules, and regulations applicable to national forests in such manner as in his judgment will best provide for the purposes of this Act and for such management, utilization, and disposal of the natural resources as in his judgment will promote or is compatible with and does not significantly impair the purposes for which the Cradle of Forestry in America is established.

Sec. 3. The Secretary of Agriculture is hereby authorized to cooperate with and receive the cooperation of public and private agencies and organizations and individuals in the development, administration, and operation of the Cradle of Forestry in America. The Secretary of Agriculture is authorized to accept contributions and gifts to be used to further the purposes of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1129), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill provides for establishment of the Cradle of Forestry in America in the Pisgah National Forest in North Carolina, to be administered under national forest laws and regulations so as to promote knowledge about forestry education and forest land management. Cooperation with, and receipt of contributions from, public and private sources is authorized. The boundaries would be shown on a map published in the Federal

Register and would be the same as those shown on the map entitled "Cradle of Forestry in America" dated April 12, 1967. The area consists of about 6,800 acres around the site of the Biltmore Forest School, the first technical forestry school in America.

The Department estimates that the cost of planning and development will be about \$10.5 million. Operating costs will probably build up to about \$400,000 per year.

AMENDMENT OF THE FOOD STAMP ACT OF 1964

The bill (S. 3068) to amend the Food Stamp Act of 1964, as amended, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (a) of section 16 of the Food Stamp Act of 1964, as amended, is amended by deleting the phrase "not in excess of \$255,000,000 for the fiscal year ending June 30, 1969;" and inserting in lieu thereof the phrase "not in excess of \$245,000,000 for the fiscal year ending June 30, 1969;"

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1130), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill is needed to permit orderly growth of the program. In December 1967 the number of areas designated under the program totaled 1,239. By June 30, 1968, total participation in these areas is expected to be about 2,750,000 persons, which will take the full \$225 million authorized for fiscal 1969, leaving no room for expansion.

In order to assure proper administration of the food stamp program the committee recommends that the Department make clear to dealers and food stamp recipients, through written statements furnished to them, store display signs, and otherwise, the purposes for which food stamps may be used and the penalties for misuse of stamps, or other violations of the act.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

ADDRESS BY SENATOR MANSFIELD AT ST. JOHN'S UNIVERSITY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a speech I delivered at St. John's University, Jamaica, N.Y., on May 15, 1968, be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

A TIME OF TROUBLE

(Remarks of Senator MIKE MANSFIELD, Democrat, of Montana, at St. John's University, Jamaica, N.Y., May 15, 1968)

These are difficult times in which to meet with a student body. There is still Viet Nam. There is still the volcanic condition of the nation's cities. The questions on your minds, I know, are many. The answers, I regret to say, are few. I cannot tell you what I do not know.

I can tell you that we have come to a point of deep trouble in this nation. We have come to it for many reasons. Most of all, we have come to it because we have indulged for a long time in the luxury of ignoring or tint-

ing the nation's problems. For too long, we have downgraded their immensity and their intensity.

It is a measure of our plight at home that we tend to drift with our difficulties rather than confront them. We drift until an assassination or bonfires of metropolitan dimensions or some such abomination shocks us into the recollection that they are still there. It is a measure of our plight abroad that it has taken three years and many thousands of lives from the President's first call for a negotiated end to the war in Viet Nam to the first uncertain touching of the antennas of the negotiators in Paris.

We are in a time of trouble. Yet it does have the virtue that it may be convertible into a time of awakening. Let me consider with you, therefore, some of the sources of the difficulties which confront us both within the nation and in our relations with the rest of the world.

In recent weeks, as you know, many of the nation's cities have erupted in showers of violence. Some of us reside in these cities. Some of us have our homes in quiet places a few miles away or many hundreds of miles away. Yet, can any of us be truly isolated from the violence of the cities? Can we be insulated from these immense social heavings? Can we be impervious to tremors which shake the ideals and institutional foundations of the American experience in freedom?

To say the least, it is alien to witness, within our borders, displays of massive disorder. It is disturbing to live in the eerie stillness of curfews which are enforced by federal troops. It is awesome to contemplate the possibilities of more violence patterned after that which occurred in mid-1967 and then, once more, a few weeks ago.

If outbreaks occur again, let there be no doubt that they will be suppressed; that is inevitable. Responsible government must act to ensure the security of persons and property. In any given situation, it is possible to quarrel with how the domestic tranquility is maintained. In any given situation, it is possible to find fault with the use of the police power; some may say excessive and others inadequate. In the end, however, there can be little debate that it is counter-violence which will be invoked in the face of violence.

Whatever view is taken of the recent outbursts, one message which they conveyed was clear. It tells us, in terms which cannot be put aside, that there are highly combustible substances gathered in our society. These substances, to be sure, are compounds of racial inequities, frustrations, and arrogances. They also include, however, the inadequacy of a whole range of public services. They also contain the problems of concentrated poverty with its retinue of human disabilities and brooding discontents.

This is the stuff of urban violence.

At the moment, the racial factor may concern us most deeply. Racial tensions, however, are but one manifestation of the social combustibility in this nation. The fact is that a high level of violence has been endemic since the beginning and in recent years it has been on the rampage.

It would, perhaps, be a path of least resistance for me, and the Montanans whom I represent in the Senate of the United States, to turn our backs on the crisis of the great cities. Montana is a spacious and beautiful place with a scant and scattered population. Many of the problems which assume huge proportions elsewhere affect Montana hardly at all. In Montana there is plenty of room. The water is pure. So is the air. Our largest city has a total population of 55,000 a fraction of the slum populations of some of the great metropolitan centers. Yet, we are one nation and Montana is part of it. If cities in other states of the Union lose their habitability, the nation loses, and Montana loses with them.

The problems of the urban areas arise

from developments of many years. Most significant, perhaps, have been the vast migrations to these centers in response to an evolving economic technology and a great growth in the population. The process of human concentration, at first, attracted little notice. For a long time it aroused little concern. Now, we find three-quarters of the nation's people in the cities and adjacent suburbia.

If these areas are already caught up in a maze of problems, it is not hard to imagine what the situation could be like by the year 2000. During the next three decades, the nation's population count is expected to rise from its present 200 million level to 350 million.

The shape of the cities of the next century is still only dimly seen. What is already only too painfully visible, however, are the imperatives for the survival of the cities in the final years of the 20th century. There is, today, a plethora of urgent needs. To cite but a few, there is a need for jobs and a need for manpower training and development. There is a need for public health, housing, and recreation. There is a need for sufficient means of transportation. There is need for fully complemented, proficient, and professional police, fire, and other protection departments of government. There is a need for educational systems which are enlightened and excellent. There is a need for an assured supply of clean water and air.

Relentless effort is going to be required to meet these complex and ever-growing needs. It will take imagination, skill, and labor. It will take a dedicated leadership and the combined effort of existing institutions and others which have yet to be devised. Money alone will not supply the answer. But make no mistake, it is going to take money—a great deal of money—to cope with the problems of urban habitability.

The responsibility for the cities cannot rest on government alone—much less on the federal government alone. Nonetheless, the role of government cannot be minimized. Responsible government must be responsive to the concerns and requirements of all of its citizens. It must care about the nation's safety and its health. It must care about the youth of the nation and the old. It must care about the jobless, the ill-housed, the poverty-stricken—all those too powerless to help themselves. And it must concern itself, too, with those too powerful. In the final analysis, government must care about the content and caliber of the total environment in which the life of the nation is lived.

Within that framework, the role of the federal government is, of necessity, a substantial one. It can be a source of inspiration, leadership, and direction. It can be a source of action—planned, balanced, and well-knit. It can be a channel of resources of a scope sufficient to have a constructive and durable impact on the localities.

During the Administration of President John F. Kennedy, it began to be realized that the federal government would have to assume a significant role in solving the multiplying problems of the cities. During the present Administration of President Lyndon B. Johnson, these beginnings have been augmented. Together, the Administration and the Congress have formulated a number of programs and plans directed specifically towards the transformation of city life. There come to mind, for example, the establishment of the Departments of Housing and Urban Development, of Transportation, the Model Cities Program, Rent Supplements, and the Safe Streets and Crime Control Act.

Innumerable measures which can bring to bear a constructive impact—direct or indirect—on the urban areas have been approved by Congress in recent years. The package is not perfect but it is a good beginning. As a member of the Senate, I say this, un-

May 20 1968

interest on such loans at a rate (not less than 1%) to be set by this Department after considering the cost of money to the Treasury and the payment ability of the applicants. Provides for an interest supplement necessary to market the insured loans. Broadens eligibility for such loans to persons not previously residing in rural areas if they are employed in rural areas. Authorizes financial and technical assistance to provide, in rural areas, housing and related facilities for rural trainees (and their families) enrolled in federally assisted training courses to improve their employment capability. Broadens the eligible purposes of domestic farm labor housing loans to include the purchase of necessary land for building sites. Authorizes HUD to guarantee the obligations issued by new community developers to help finance approved new community development projects. Amends Sec. 701 of the Housing Act of 1954 so as to provide for rural community development districts. Under this provision this Department would provide technical assistance, with or without reimbursement, in connection with establishment of the districts and carrying out planning, and HUD would be required to consult with this Department before approving any district planning grants. Authorizes development of the program of Federal assistance to localities for the advance acquisition of land expected to be needed for public purposes. Authorizes a national flood insurance program. Authorizes HUD to require full disclosure in the sale or lease of certain undeveloped land in interstate commerce or through the mails.

EXTENSION OF REMARKS

18. EMPLOYMENT. Sen. Clark inserted testimony in support of proposed legislation to create job opportunities for low-income and unemployed workers. pp. E4377-80
19. RESEARCH. Sen. Magnuson inserted an address which outlines a number of the Navy's oceanography programs. pp. E4382-3
20. ROADS. Sen. Randolph inserted Highway Administrator Birdwell's address stressing the importance of the Appalachian highway program as an essential element in securing economic development. pp. E4389-91
Rep. Ottinger praised Secretary Freeman's "courage and foresight" in rejecting a request for a highway through forest lands. p. E4398
21. AWARDS. Rep. Johnson, Calif., praised Edward Cliff for having received the Career Service Award and for the "magnificent" job he has done for the Forest Service. p. E4391

BILLS SIGNED BY THE PRESIDENT

22. APPROPRIATIONS. H. J. Res. 1229, to appropriate \$28,000,000 for unemployment compensation for Federal employees and veterans. Approved April 22, 1968 (Public Law 90-286).
23. LANDS. H. R. 11527, to release conditions in a deed conveying certain lands to the University of Maine. Approved May 17, 1968 (Public Law 90-307). For provisions see Digest 72.

May 20, 1968

WATERSHEDS. Passed as reported S. 2276, to amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations. At the request of Sen. Mansfield the following excerpt from the committee report was inserted: "...At present the Secretary is prohibited from constructing, or contracting to construct, such works, so the contracting must be done by the local organizations...The bill, by permitting the Secretary to execute the contract, would result in lower cost, save time, avoid disputes, and strengthen operation of the program. It has no effect on the respective contributions of the United States and the local organization to the financing of the project, except to the extent that it would reduce administrative costs. The committee amendment, which was suggested by the Department, would make it clear that the Secretary would not undertake construction, but would be limited to contracting for such construction." p. S5857

10. RURAL DEVELOPMENT. Sen. Sparkman stated no approach to resolve the crisis in the cities "can ever be effective unless it serves to stop the migration of rural and farmworkers into these areas" and expressed his intention to schedule hearings to "search for ways to improve the economic climate of rural America." p. S5874
11. TAXATION; EXPENDITURES. Sen. Byrd, W. Va., inserted the text of his TV interview in which he opposed "any increase in taxes until...the Federal Government cuts back on nonessential spending and wasteful programs." p. S5880
12. FOOD PRODUCTION. Sen. Pearson discussed the subject of agricultural fertilizers in India and a survey he conducted of American agricultural firms "capable of building fertilizer plants in India", and inserted an article, "Cooperative Fertilizer Plant in India Is 'All Systems Go'." pp. S5875-6
13. FOREIGN SERVICE. Received from State Department a proposed bill to amend the Foreign Service Act of 1946, as amended; to Foreign Relations Committee. p. S5859
14. RECLAMATION. Sen. Carlson inserted the text of his address at the dedication of Milford Reservoir, Kansas. p. S5861
15. FOREIGN TRADE. Sen. Mondale announced the first day of hearings on S.J. Res. 169, the East-West trade resolution, originally scheduled for May 22 have been postponed. p. S5861
16. PEACE CORPS. Sen. Hart commended the Peace Corps for displaying to citizens of developing nations "real evidence of the interest of young Americans" to increase international understanding. pp. S5866-7
17. HOUSING; LOANS; RURAL DEVELOPMENT. As reported (see Digest 83), S. 3497, the proposed Housing and Urban Development Act of 1968, includes the following provisions: Authorizes this Department to make direct and insured housing loans in rural areas to low and moderate income persons and families and to provide rental or cooperative housing for such persons and families, where assistance is not available under the National Housing Act. Provides for

Senate

MONDAY, MAY 20, 1968

The Senate met at 12 noon, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father God, in whose keeping are the destinies of men and nations, endue with Thy wisdom our fallible minds as we face decisions with the background of fearful forces of nature which, if not harnessed by mutual good will, may destroy us utterly.

Give us greatness of soul that the keys of new power may be used to open doors, not of peril, but of plenty for the whole earth.

By tasks too difficult for us, we are driven unto Thee for strength to endure and wisdom to interpret rightly the signs of these testing times.

Save those who minister here from false choices, and guide their hands and minds to heal and bind, to build and to bless.

For—

"We are watchers of a beacon whose light must never die;

We are guardians of an altar that shows Thee ever nigh;

We are children of Thy freemen who sleep beneath the sod;

For the might of Thine arm we bless Thee: Our God, our Father's God."

Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, May 17, 1968, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SUBCOMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommit-

tee on Business and Commerce of the Committee on the District of Columbia be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1108, 1110, and 1114.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF THE WATERSHED PROTECTION AND FLOOD PREVENTION ACT

The Senate proceeded to consider the bill (S. 2276) to amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations which had been reported from the Committee on Agriculture, with an amendment on page 1, at the beginning of line 8, strike out "unless requested to do so by the local organization" and, in lieu thereof, insert a colon and "Provided, That, if requested to do so by the local organization, the Secretary may enter into contracts for the construction of structures."; so as to make the bill read:

S. 2276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(2) of the Watershed Protection and Flood Prevention Act is amended to read as follows:

"(2) Except as to the installation of works of improvement on Federal lands, the Secretary shall not construct or enter into any contract for the construction of any structure: *Provided, That, if requested to do so by the local organization, the Secretary may enter into contracts for the construction of structures.*"

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 1125—explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill amends the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture, upon the request of the local organization, to contract for the construction of works of improvement. At present the Secretary is prohibited from constructing, or contracting to construct, such works, so the contracting must be done by the local organizations.

Local organizations frequently are inex-

perienced in contract administration, and act under the supervision of the Secretary, with added difficulty for the local organization, the Secretary, and contractors. The bill, by permitting the Secretary to execute the contract, would result in lower cost, save time, avoid disputes, and strengthen operation of the program. It has no effect on the respective contributions of the United States and the local organization to the financing of the project, except to the extent that it would reduce administrative costs.

The committee amendment, which was suggested by the Department, would make it clear that the Secretary could not undertake construction, but would be limited to contracting for such construction.

EMERGENCY CREDIT REVOLVING FUND

The joint resolution (S.J. Res. 168) to authorize the temporary funding of the Emergency Credit Revolving Fund was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 168

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commodity Credit Corporation is hereby authorized and directed to make advances to the Emergency Credit Revolving Fund (7 U.S.C. 1966) in a total amount not to exceed \$30,000,000. Such advances together with interest at a rate which will compensate Commodity Credit Corporation for its cost of money during the period in which the advance was outstanding shall be reimbursed out of appropriations to the fund hereafter made.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1127), explaining the purposes of the joint resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This joint resolution would direct the Commodity Credit Corporation to advance up to \$30 million to the emergency credit revolving fund. The advances would later be repaid with interest out of appropriations to the fund. The background and need for this legislation is explained in the attached report from the Secretary of Agriculture recommending its enactment.

INTER-AMERICAN DEVELOPMENT BANK

The bill (H.R. 15364) to provide for increased participation by the United States in the Inter-American Development Bank, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

H.R. 15364

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Inter-American Development Bank Act (22 U.S.C. 283-283m) is amended by adding at the end thereof the following new section:

"Sec. 17. (a) The United States Governor of the Bank is hereby authorized (1) to vote for an increase in the authorized capital stock of the Bank under article II, section 2, of the agreement as recommended by the Board of Executive Directors in its report of April 1967, to the Board of Governors of the Bank; and (2) to agree on behalf of the United States to subscribe to its proportionate share of the \$1,000,000,000 increase in the authorized callable capital stock of the Bank.

"(b) There is hereby authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury of the increased United States subscription to the capital stock of the Inter-American Development Bank, \$411,760,000."

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. CARLSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1131), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

1. PURPOSE OF THE BILL

H.R. 15364 amends the Inter-American Development Bank Act of 1959 (Public Law 86-147) to authorize the U.S. Governor of the Bank (the Secretary of the Treasury) to vote in favor of a \$1 billion increase in the Bank's authorized callable capital stock. The U.S. Governor is also authorized to agree on behalf of the United States to subscribe this Nation's proportionate share of the increase, amounting to \$411,760,000. The bill further authorizes appropriation of the last-named sum, without fiscal year limitation. These funds will be requested in 1968 and in 1970 in two equal appropriations of \$205,880,000 each. Such subscriptions to callable capital stock in themselves do not involve any budgetary expenditure. Moreover, the Bank to date has not had any occasion to levy a call on existing capital shares, and it is considered very unlikely that such a requirement for cash payments would occur in the foreseeable future.

2. BACKGROUND

The Inter-American Development Bank, established in 1959, and with lending experience dating from 1916, currently has 21 member countries which are all represented in the Organization of American States. Having withdrawn from the OAS, Cuba is not eligible for membership. The Bank is designed to accelerate economic and social development in the Latin American member countries and is generally modeled upon the organization and procedures of the International Bank for Reconstruction and Development, or World Bank.

As of the beginning of 1968, the Inter-American Bank had authorized an overall total of roughly 450 loans from its resources, involving the equivalent of almost \$2.4 billion. These sums actually represent a minority participation in Bank projects for development in Latin America which total approximately \$6.4 billion; in accord with the emphasis placed on self-help by the Bank, the Latin American borrowers themselves are investing the greater portion of the funds needed for the projects. Not only does the Bank maintain rigorous criteria for its financing, it also engages in extensive coordination with other international and national development institutions and agencies. In particular, the Bank has undertaken to give special attention to the views of the

Inter-American Committee on the Alliance for Progress (CIAP, as it is abbreviated from the Spanish).

Since the Bank commenced operating in 1960 it has conducted its activities through one "hard-loan" window, the ordinary capital account, and two "soft-loan" windows, the Fund for Special Operations (FSO) and the Social Progress Trust Fund (SPTF). These three funds are kept completely separate from each other. In 1965, however, the three windows in effect were reduced to two when the funds available to the SPTF (\$525 million entirely supplied by the United States) were not replenished after use, and its social development functions were taken over by the FSO. The Fund for Special Operations last year was provided with the assurance of additional lending resources of \$1.2 billion from the Bank members over a 3-year period. The pending request from the Bank concerns only the ordinary capital, or hard-loan window.

3. BANK ORDINARY OPERATIONS

The following table illustrates the authorized capital stock resources of the Bank taking account of the original 1959 authorization, the 1964 increase and the increase proposed for this current calendar year:

AUTHORIZED CAPITAL STOCK (In millions of dollars equivalent)		
	Total	U.S. share
Original capital.....	850	350.00
Of which paid in.....	(400)	(150.00)
Of which callable.....	(450)	(200.00)
1964 increase in callable capital.....	1,000	411.76
1964 increase in capital for subscription by possible future members.....	300	-----
Authorized total.....	2,150	761.76
Proposed 1968 increase in callable capital.....	1,000	411.76
Authorized total after increase.....	3,150	1,173.52

From these figures it will be seen that only some \$400 million of the total current authorized capital has actually been paid into the Bank. The bulk of the ordinary lending resources increasingly are derived from the Bank's bond issues in private capital markets here and abroad. The Government-guaranteed backing for these bonds (which have a triple A rating) is afforded by the callable subscriptions to the capital stock. These callable amounts are not paid in cash when subscribed and appropriated; they remain only a book entry unless needed to make good on guarantees that cannot be covered otherwise. The "funds" appropriated for the U.S. shares of callable capital since 1959 thus have remained with the U.S. Treasury.

Through the end of 1967, ordinary capital loans from the Bank on normal commercial terms numbered 155, involving authorizations for \$901 million; over half that sum had been disbursed, and some \$62 million had already been repaid. By that same date, there had been 77 loans totaling about \$380 million equivalent devoted to industrial and mining projects, 26 loans of roughly \$188 million for agriculture and 18 loans of about \$180 million for electric power. Other areas receiving smaller sums were transportation, water, and sewage, export financing and pre-investment studies. It should be noted that Bank lending and technical assistance are not confined to strictly national projects, but are increasingly being devoted to multinational areas in keeping with the aims of regional economic integration.

The terms for loans from the Bank's ordinary capital are what are usually described as "hard": that is, they reflect the cost of the funds borrowed by the Bank from private markets. Also, principal and interest are payable in the currencies loaned, and maturity dates range between 7 to 20 years, with the

average running at about 15 years. Currently the interest rate on dollar loans is 7½ percent, and a standard commitment fee of 1¼ percent is charged on the unused balance of such loans, commencing to accrue 60 days after signature of a loan contract. Charges are slightly higher on loans made from resources obtained by bond flotations in the capital markets of nonmember countries. Through these terms the Bank has been able to accumulate ordinary capital reserves now approaching the \$45 million mark.

4. THE CURRENT PROPOSAL

In a report of April 1967 the Bank's Executive Directors set forth a goal of maintaining an ordinary capital lending rate of \$175 million a year for the period 1968-70. However, as of December 31, 1967, the Bank had available cash funds of about \$52 million and remaining borrowing capacity of roughly \$98 million, giving a total of approximately \$150 million, which would not even cover the projected lending rate for 1 year.

The reason for the limited borrowing authority remaining to the Bank lies in agreements made with bondholders when the first borrowing was made in 1962. The Bank undertook that it would limit its borrowings and guarantees to the amount of the subscription of the United States to the Bank's callable capital. It did so in order to acquire the highest ratings for its bonds and to hold down the cost of money borrowed from the private market, which in turn is reflected in the interest rates on loans to Bank members.

Accordingly, the Bank's Board of Governors in April 1967 recommended to member governments the proposed \$1 billion expansion of authorized callable ordinary capital stock. The proposal will become effective in October 1968 if members subscribing to at least 75 percent of the increase, \$750 million, accept it through their standard constitutional procedures. Each country is scheduled to share in the increase in the same proportion as its existing share in current total authorized stock. Thus the U.S. share remains at 41.18 percent; there also has been no change in the 42-percent voting power of the United States. All subscriptions are to be made in two installments in 1968 and 1970, and no country's subscription to either installment will become effective until 75 percent of subscriptions for each installment are completed. Enough countries have completed action so that the U.S. subscription will bring the increase into effect.

5. COMMITTEE ACTION

The President of the United States, in his budget message of January 29, 1968, stated his intention of requesting an increase in the U.S. subscription to the callable capital of the Inter-American Bank. On February 8 there was referred to the Committee on Foreign Relations a letter from the Secretary of the Treasury transmitting a draft of proposed legislation to give effect to the Presidential determination. An NAC report favoring such action was received by the committee on February 27 from Secretary Fowler in his capacity as Chairman of the National Advisory Council on International Monetary, and Financial Policies. On February 15 Senator Fulbright, by request, introduced S. 2975, a virtually identical bill to H.R. 15364, to provide for U.S. participation in the proposed increase in callable capital of the Bank. However, the House of Representatives passed its companion bill on March 19, 1968, and H.R. 15364 was referred to the Foreign Relations Committee the following day.

The committee held a public hearing on H.R. 15364 on March 25, receiving testimony from Under Secretary of the Treasury Joseph W. Barr; Robert M. Sayre, Deputy Assistant Secretary of State for Inter-American Affairs; and Reuben Sternfeld, alternate U.S. Executive Director of the Inter-American Bank. Thereafter the bill was considered in execu-

S. 2276

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 1968

Referred to the Committee on Agriculture

AN ACT

To amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 5 (2) of the Watershed Protection and Flood
4 Prevention Act is amended to read as follows:
5 “(2) Except as to the installation of works of improve-
6 ment on Federal lands, the Secretary shall not construct or
7 enter into any contract for the construction of any structure:
8 *Provided, That, if requested to do so by the local organiza-*
9 *tion, the Secretary may enter into contracts for the construc-*
10 *tion of structures.”*

Passed the Senate May 20, 1968.

Attest:

FRANCIS R. VALEO,

Secretary.

AN ACT

To amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations.

May 21, 1968
Referred to the Committee on Agriculture

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued June 6, 1968
For actions of June 5, 1968
90th-2nd; No. 96

CONTENTS

Appropriations.....6,8	Grains.....9	Public works.....18
Arts and humanities.....7	Housing.....11,15	Reclamation.....2
Budget.....17	Hunger.....19	Retirement.....3,16
Buildings.....5	Inter-American	Revolving fund.....3
CCC.....22	Development Bank.....20	Supplemental
Commission.....17	Kerr memorial.....21	appropriations.....6
Data processing.....14	Peace Corps.....4	Watersheds.....1
Emergency credit.....22	Personnel.....3,10,16	Wildlife.....12
Flood disaster.....13	Potatoes.....1	
Forestry.....1	Property.....5	

HIGHLIGHTS: House committee voted to report potato marketing, Cradle of Forestry, and watershed construction bills. Senate subcommittee approved International Grains Arrangement.

HOUSE

1. POTATOES; FORESTRY; WATERSHEDS. The Agriculture Committee voted to report (but did not actually report) ~~H. R. 15030, amended, the potato research and promotion bill; S. 2837 in lieu of H. R. 14157, to establish the Cradle of Forestry; and S. 2276, to permit contracts for works of improvement in watershed projects.~~
p. D518

2. RECLAMATION. The Interior and Insular Affairs Committee voted to report (but did not actually report) H. R. 5117, amended, the Palmetto Bend reclamation project, Tex.; and S. 1251, to make certain reclamation project expenses nonreimbursable. p. D518
3. PERSONNEL. A subcommittee of the Post Office and Civil Service Committee approved for full committee action H. R. 13844, to grant time off to Federal employees to arrange funerals of their children lost in hostile military action; H. R. 16558, to promote the effective use of the Civil Service Commission revolving fund; and H. R. 10912, retirement financing and increased benefits. p. D518
4. PEACE CORPS. The Foreign Affairs Committee reported without amendment H. R. 15087, to authorize the further amendment of the Peace Corps Act (H. Rept. 1519). p. H4582
5. BUILDINGS; PROPERTY. The Rules Committee reported a resolution for the consideration of H. R. 16981, to limit the use for demonstration purposes of any federally owned property in D. C., requiring the posting of bond. p. H4582
6. APPROPRIATIONS. The Appropriations Committee was granted until midnight, Fri., June 7, to file a privileged report on the second supplemental appropriation bill for 1968. p. H4545
7. ARTS AND HUMANITIES. Agreed, 194-166, to the conference report on H. R. 11308, to amend the National Foundation on the Arts and Humanities Act of 1965 to authorize funding through fiscal year 1970, and make certain other changes of a technical nature. Under the conference report, the aggregate of funds appropriated to match private gifts for these next 2 fiscal years cannot exceed \$13.5 million. This bill will now be sent to the President. pp. H4546-50

SENATE

8. APPROPRIATIONS. The "Daily Digest" states the Appropriations Committee, "in executive session, marked up and ordered favorably reported with amendments H. R. 16489, fiscal 1969 appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies. As approved by the committee the bill would provide a total of \$8,158,877,000, an increase of \$3,253,000 over the House-passed figure of \$8,155,624,000.
"Prior to this action, subcommittee approved this bill for full committee consideration." p. D516
9. GRAINS. A subcommittee of the Foreign Relations Committee approved for full committee consideration the proposed International Grains Arrangement (Ex. L, 90th Cong., second sess.). p. D516

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued June 12, 1968
For actions of June 11, 1968
90th-2nd; No. 99

CONTENTS

Appropriations.....1,10	Forest research.....32	Poultry inspection....7,31
Budget.....29	Grain inspection....13,25	Poverty.....21
Buildings.....23	Health.....6,18	Reclamation.....2
CCC.....40	Honey.....37	Recreation.....20
Conservation.....20	Hunger.....26,40	Safety.....6,18
Credit unions.....14	Indemnity payments.....37	Salaries.....1,11
Crop insurance.....19	Indian lands.....4	Social sciences.....36
Education.....1,17	Lands.....2,4,22	Surplus food.....40
Electrification.....8,16	Legislative program..10,25	Systems.....27
Employment.....33	Meat inspection.....1	Trade.....15
Farming.....28	Opinion poll.....30	Trails.....43
Federal aid.....41	Organization.....36	Transportation.....12,24
Food stamps.....42	Patents.....34	Watersheds.....3
Foreign aid.....28	Peace corps.....5	Wheat.....39
Foreign trade.....9,15,38	Personnel.....11,14,35	

HIGHLIGHTS: House passed second supplemental appropriation bill. Sen. McGovern¹ introduced and discussed bill to require CCC to distribute surplus food to needy. Rep. Sullivan introduced and discussed food stamp bill.

HOUSE

1. APPROPRIATIONS. Passed with amendments, 324-33, H.R. 17734, the second supplemental appropriation bill, 1968, which includes items for defense, increased pay costs for Federal employees, and grants to states for public assistance (pp. H4806-54). Agreed to an amendment by Rep. Michel (as amended by Rep. Mink, 112-80) to provide for \$90,965,000 for aid to impacted school areas (pp. H4832-46). For other provisions see Digest 98.

During the debate Reps. Michel and Scherle criticized, and Rep. Smith, Iowa defended, the Department's method of collecting data presented to the Agriculture Committee during hearings on the meat inspection bill (pp. H4814-20).

Received the conference report on H. R. 16489, the Treasury and Post Office Departments and Executive Office of the President appropriation bill, 1969 (H. Rept. 1544). pp. H4802-3, H4888

2. RECLAMATION. The Interior and Insular Affairs Committee reported with amendment S. 1251, to make certain reclamation project expenses nonreimbursable (H. Rept. 1538). p. H4888
3. WATERSHEDS. The Agriculture Committee reported without amendment S. 2276, to amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations (H. Rept. 1539). p. H4888
4. INDIAN LANDS. The Rules Committee reported a resolution for consideration of H. R. 3306, to hold certain lands in trust for the Pueblo Indians. p. H4888
5. PEACE CORPS. The Rules Committee reported a resolution for consideration of H. R. 15087, the Peace Corps authorization bill. p. H4888
6. HEALTH; SAFETY. Rep. Olsen urged support for the occupational health and safety bill. p. H4861
7. POULTRY. Rep. Halpern urged passage of pending legislation to strengthen poultry inspection. p. H4878
8. ELECTRIFICATION. Rep. Cleveland discussed the cost of electric power and hydroelectric plant construction. p. H4881
9. FOREIGN TRADE. Rep. Chamberlain expressed concern over free world shipping to North Vietnam. p. H4854
10. LEGISLATIVE PROGRAM. Rep. Albert said that the conference report on the Treasury and Post Office and Executive Office of the President appropriation bill will be considered today, June 12. p. H4856

SENATE

11. SALARIES. Both Houses received the President's message on the annual comparison of Federal salaries with salaries paid in private enterprise (H. Doc. 327); to Post Office and Civil Service Committees. pp. S7040, H4854-5
12. TRANSPORTATION. The Commerce Committee voted to report (but did not actually report) S. 858, to permit recovery of attorney's fees in cases of recovery of damages sustained in transportation of property. p. D535
Agreed to the conference report on H. R. 15190, to provide for a study to determine a site for the construction of a sea-level canal connecting the Atlantic and Pacific Oceans. p. S7040

WATERSHED PROJECT CONTRACT PROCEDURE

JUNE 11, 1968.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POAGE, from the Committee on Agriculture,
submitted the following

REPORT

[To accompany S. 2276]

The Committee on Agriculture, to whom was referred the bill (S. 2276) to amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

This bill amends the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture, upon the request of the local organization, to contract for the construction of works of improvement. At present the Secretary is prohibited from constructing, or contracting to construct, such works, so the contracting must be done by the local organizations.

NEED FOR THE LEGISLATION

Local organizations frequently are inexperienced in contract administration, and act under the supervision of the Secretary with added difficulty for the local organization, the Secretary, and contractors. The bill, by permitting the Secretary to execute the contract, would result in lower cost, save time, avoid disputes, and strengthen operation of the program. It has no effect on the respective contributions of the United States and the local organization to the financing of the project except to the extent that it would reduce administrative costs.

This legislation would not take authority or control from local organizations, which it should not, but would permit them to request this

contract administration service as needed. Since this amendment is voluntary, it would not affect those State and local organizations that have adequate and qualified staffs to administer Public Law 566 contracts.

HEARINGS

Hearings were held Wednesday, June 5, 1968, on S. 2276. There was no opposition to the bill expressed during the hearings. Following is the statement of Hollis R. Williams, Deputy Administrator for Watersheds, Soil Conservation Service, U.S. Department of Agriculture from those hearings:

Mr. Chairman and members of the committee, I appreciate the opportunity to testify in support of S. 2276, a bill to amend the Watershed Protection and Flood Prevention Act, Public Law 566, as amended, to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local watershed project sponsors.

Presently all contracting is carried out by the watershed sponsors. This responsibility was delegated to the local people to insure greater local participation and greater interest in the program. We heartily concur in these objectives. And we support this bill because it still provides for this procedure if the local sponsors so desire.

Nevertheless, our experiences have brought to light many difficulties and situations which indicate the desirability of having the Secretary of Agriculture contract for construction.

Many groups sponsoring watershed projects under Public Law 566 have had no experience in letting and administering construction contracts. It is difficult and frequently impossible for them to find an individual willing and able to act as contracting officer. This activity becomes a hardship on the sponsor and an added expense where only one or two small contracts may be involved. This also put an extra burden on the Soil Conservation Service to train the local contracting officers and to provide step-by-step assistance in the preparation of invitations to bid, reviewing and analyzing the bids, awarding and administering contracts involving all dealing with the contractor. This creates an awkward, slow, and cumbersome process that is often dissatisfying to all parties—the sponsors, the contractor, and the SCS.

Also under some local contract procedures, many reputable and competent contractors are either excluded from bidding or cannot bid on an equal basis due to State and local regulations that give preferential treatment to local contractors or to contractors on an acceptable or preferred list. Free and unrestricted competition is not possible in these instances, and higher construction costs may result.

When Federal cost sharing is involved in a project, we are required to assure ourselves that the prescribed equal employment opportunity clauses are included in the contracts. Several States have equally mandatory requirements, some of which conflict with Federal requirements. Reconciliation is often difficult, costly, and time consuming.

Also under local procedures, disputes that cannot be settled by direct negotiation must be resolved by the local courts. Even though local sponsors may have agreed to provide legal services, they are often unable to because of the costs involved—especially when funds being protected are entirely Federal.

In some States such as Oklahoma, Mississippi, and Texas we have been able to compare the merits of the two systems of contracting since SCS handles the contracts for flood prevention projects carried out under the Flood Control Act of 1944 and local sponsors handle those under Public law 566. We have found that the direct contracts by SCS are simpler, and less costly. At the same time, the enthusiasm of the local people in participating and carrying out the projects remains high.

In summary, this bill, if enacted, would (1) provide for better efficiency and timeliness in carrying out watershed projects, (2) remove an undesired burden from those local sponsors who do not have the capability of administering construction contracts, (3) result in a reduction in local cost of contract administration and Federal assistance cost, and would in no way prevent local watershed project sponsors from carrying out contracting responsibilities if they wish to do so. In fact, it would be necessary for the local groups to submit a request for Federal assistance before the contracting authority could be transferred to SCS.

Cost

The Department of Agriculture advises that the bill would reduce the cost of construction as well as the cost of contract administration.

DEPARTMENTAL VIEWS

A letter from the Secretary of Agriculture recommending enactment is attached.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., January 24, 1968.

Hon. ALLEN J. ELLENDER,
*Chairman, Committee on Agriculture and Forestry,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your letter of August 14, 1967, requesting a report by this Department on S. 2276, a bill to amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations.

We recommend the enactment of this proposed legislation with the following amendment:

On page 1, delete line 8, place a colon at the end of line 7 after the word "structure" and add the following after the colon: "*Provided, That, if requested to do so by the local organization, the Secretary may enter into contracts for the construction of structures.*" This

amendment is being recommended because the Department does not foresee the need for construction authority at this time.

The bill, if amended as proposed, would authorize the Secretary of Agriculture, upon request of sponsoring local organizations, to enter into contracts for the construction of works of improvement in Public Law 566 watershed protection projects. It would not authorize the Secretary to construct works of improvement by force account.

Many sponsoring local organizations have not had previous experience in the administration of construction contracts. This lack of experience creates difficulties not only for them but also for the Department and for the contractors.

The proposed bill would reduce the time required in rendering decisions on contract problems and issuing instructions to contractors. It would eliminate many of the disputes and claims that are caused by the inexperience of the sponsors in dealing with construction contracting and by the contract administration processes which are now required. Since most of the construction contractors involved in watershed work are familiar with Government contracting procedures, the bill would reduce the cost of construction as well as the cost of contract administration.

If enacted with the proposed amendment, this bill would greatly strengthen the operation of the watershed protection and flood prevention program.

The Bureau of the Budget advises that there would be no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, and existing law in which no change is proposed is shown in roman) :

WATERSHED PROTECTION AND FLOOD PREVENTION ACT

* * * * *

SEC. 5. (1) At such time as the Secretary and the interested local organization have agreed on a plan for works of improvement, and the Secretary has determined that the benefits exceed the costs, and the local organization has met the requirements for participation in carrying out the works of improvement as set forth in section 4, the local organization may secure engineering and other services, including the design, preparation of contracts and specifications, awarding of contracts, and supervision of construction, in connection with such works of improvement, by retaining or employing a professional engineer or engineers satisfactory to the Secretary or may request the Secretary to provide such services: *Provided*, That if the local organization elects to employ a professional engineer or engineers, the Secretary shall reimburse the local organization for the costs of such engineering

and other services secured by the local organization as are properly chargeable to such works of improvement in an amount not to exceed the amount agreed upon in the plan for works of improvement or any modification thereof: *Provided further*, That the Secretary may advance such amounts as may be necessary to pay for such services, but such advances with respect to any works of improvement shall not exceed 5 per centum of the estimated installation costs of such works.

(2) Except as to the installation of works of improvement on Federal lands, the Secretary shall not construct or enter into any contract for the construction of any structure [.] : *Provided, That, if requested to do so by the local organization, the Secretary may enter into contracts for the construction of structures.*

(3) Whenever the estimated Federal contribution to the construction cost of works of improvement in the plan for any watershed or sub-watershed area shall exceed \$250,000 or the works of improvement include any structure having a total capacity in excess of twenty-five hundred acre-feet, the Secretary shall transmit a copy of the plan and the justification therefor to the Congress through the President.

(4) Any plan for works of improvement involving an estimated Federal contribution to construction costs in excess of \$250,000 or including any structure having a total capacity in excess of twenty-five hundred acre-feet (a) which includes work of reclamation irrigation works on or which affects public or other lands or wildlife under the jurisdiction of the Secretary of the Interior, (b) which includes Federal assistance for floodwater detention structures, shall be submitted to the Secretary of the Interior or the Secretary of the Army, respectively, for his views and recommendations at least thirty days prior to transmission of the plan to the Congress through the President. The views and recommendations of the Secretary of the Interior, and the Secretary of the Army, if received by the Secretary prior to the expiration of the above thirty-day period, shall accompany the plan transmitted by the Secretary to the Congress through the President.

(5) Prior to any Federal participation in the works of improvement under this Act, the President shall issue such rules and regulations as he deems necessary or desirable to carry out the purposes of this Act, and to assure the coordination of the work authorized under this Act and related work of other agencies, including the Department of the Interior and the Department of the Army.



Union Calendar No. 607

90TH CONGRESS
2D SESSION

S. 2276

[Report No. 1539]

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 1968

Referred to the Committee on Agriculture

JUNE 11, 1968

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

AN ACT

To amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 5 (2) of the Watershed Protection and Flood
4 Prevention Act is amended to read as follows:

5 “(2) Except as to the installation of works of improve-
6 ment on Federal lands, the Secretary shall not construct or
7 enter into any contract for the construction of any structure:
8 *Provided, That, if requested to do so by the local organiza-*

tion, the Secretary may enter into contracts for the construction of structures.”

Passed the Senate May 20, 1968.

Attest:

FRANCIS R. VALEO,

Secretary.

Union Calendar No. 607

90TH CONGRESS
2D Session

S. 2276

[Report No. 1539]

AN ACT

To amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations.

MAY 21, 1968

Referred to the Committee on Agriculture

JUNE 11, 1968

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DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
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U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued June 18, 1968
For actions of June 17, 1968
90th-2nd; No. 103

CONTENTS

Balance of payments.....16	Flood control.....3,17	Peace Corps.....13
Buildings.....5	Food policies.....30	Personnel.....22
Consumer protection.....9	Food stamps.....35	Potatoes.....1
Credit unions.....2	Foreign aid.....8	Poultry.....20
Education.....11,14	Foreign trade.....10,18	Reclamation.....4
Electrification.....29	Forestry.....12	Recreation.....32
Employment.....36	Grains.....23	Taxation.....8,26,27
Expenditures.....8,26,27	Hawaii loans.....6	Textiles.....10
Export-Import Bank.....16	Highways.....7	Trade policy.....10
Farm labor.....24	Hunter.....21,28	Training.....36
Federal aid.....34	Lands.....12	Water.....33
Finances.....19	Labor standards.....24	Watersheds.....3
Fiscal policy.....25	Meat inspection.....9	Wilderness.....15,31

HIGHLIGHTS: House passed watershed construction bill. Rep. Smith, Iowa, defended consumer protection under meat inspection law. House committee reported potato research and promotion bill. House subcommittee approved highway authorization bill. Rep. Sullivan introduced and discussed food stamp bill.

HOUSE

1. POTATOES. The Agriculture Committee reported with amendment H. R. 15030, the potato research and promotion bill (H. Rept. 1559). p. H5044
2. CREDIT UNIONS. Concurred in the Senate amendments to H. R. 6157, to permit Federal employees to purchase shares of Federal-or State-chartered credit unions through voluntary payroll allotment (p. H5006). This bill will now be sent to the President.

3. WATERSHEDS. Passed without amendment S. 2276, to amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations (p. H5009). This bill will now be sent to the President.
4. RECLAMATION. Passed as reported S. 1251, to make certain reclamation project expenses nonreimbursable. p. H5008
5. BUILDINGS. The Public Works Committee was discharged from further consideration of S. 222, to require that public buildings financed with Federal funds be designed and constructed to accommodate the handicapped, and the bill was passed with amendment to insert the language of H. R. 6589 which had been passed earlier, 302-0, under suspension of the rules. H. R. 6589 was then tabled. pp. H5010-15
6. HAWAII LOANS. Passed under suspension of the rules, H. R. 15562, to extend until June 30, 1970 the authority of the Secretary of Agriculture to authorize loans on leasehold interests in Hawaii. pp. H5031-2
7. HIGHWAYS. The Subcommittee on Roads of the Public Works Committee approved for full committee action H. R. 17134, amended, the 1970-71 highway authorization bill. p. D560
8. TAXATION; EXPENDITURES. Rep. Pelly opposed the retroactive provision to April 1 of the President's 10-percent tax surcharge. He favored the effective date "not earlier than next September." p. H5006
Rep. Brinkley suggested that the \$6 billion proposed spending reduction be made in foreign aid and related expenditures, the "lowest priority area." pp. H5037-8
9. MEAT INSPECTION. Rep. Smith, Iowa, defended the Wholesome Meat Act against "critics who are trying to discredit it and other consumer protection legislation." pp. H5032-3
10. TRADE POLICY. Rep. Whitener inserted his testimony in behalf of "a sound trade policy for the people in the textile industry." pp. H5034-5
Rep. Monagan inserted his testimony on the "conflicts and problems" of the U. S. trade policy. pp. H5036-7
11. EDUCATION. Rep. Feighan inserted the recommendations on urban education financial needs developed for priority congressional consideration during a meeting of National School Boards Association. pp. H5039-40
12. FOREST LANDS. Received from Army and Agriculture a notification of a proposed inter-
change of jurisdiction of civil works and national forest lands (Kinzua and Allegheny Reservoir, N. Y. and Pa.) by the Department of the Army and the Department of Agriculture. p. H5043

districts, Mr. Speaker, the districts can proceed with their takeover plans of both the operation and the maintenance of the Columbia Basin project. They are eager to do this, the Nation's taxpayers will benefit, and the objective of this Federal policy will have been met.

On behalf of the three irrigation districts on the Columbia Basin project, I urge enactment of S. 1251 as reported and approved by the House Committee on Interior and Insular Affairs.

GENERAL LEAVE TO EXTEND

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WATERSHED PROJECT CONTRACT PROCEDURE

The Clerk called the bill (S. 2276) to amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations.

There being no objection, the Clerk read the bill, as follows:

S. 2276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(2) of the Watershed Protection and Flood Prevention Act is amended to read as follows:

"(2) Except as to the installation of works of improvement on Federal lands, the Secretary shall not construct or enter into any contract for the construction of any structure: *Provided, That, if requested to do so by the local organization, the Secretary may enter into contracts for the construction of structures.*"

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELATING TO THE PAY OF THE U.S. CAPITOL POLICE FORCE FOR DUTY PERFORMED IN EMERGENCIES

The Clerk called the concurrent resolution (H. Con. Res. 785) relating to the pay of the U.S. Capitol Police force for duty performed in emergencies.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

Mr. GROSS. Mr. Speaker, I reserve the right to object.

Mr. DAVIS of Georgia. Mr. Speaker, a parliamentary inquiry. I have an amendment to offer to House Concurrent Resolution 785, which is at the desk. May we not take it up before we have the reservation of objection?

The SPEAKER. If there is no objection, the Chair will recognize the gentleman.

Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Clerk read the concurrent resolution, as follows:

H. CON. RES. 785

Resolved by the House of Representatives (the Senate concurring), That, effective on the passage of this resolution and ending at the close of August 31, 1968, with respect to which the United States Capitol Police Board determines that emergency conditions or circumstances exist which require the performance of duty by officers and members of the United States Capitol Police force, in addition to their regularly scheduled tours of duty, in order more effectively to discharge the duties and responsibilities of the United States Capitol Police force, each officer or member of such police force performing duty in addition to the number of hours of his regularly scheduled tour of duty, shall be paid for each such additional hour of duty, in lieu of compensatory time off from his regularly scheduled tour of duty, compensation at a rate equal to his hourly rate of compensation. The hourly rate of compensation of such officer or member shall be determined by dividing his annual rate of compensation by 2,080.

SEC. 2. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this concurrent resolution.

With the following committee amendments:

On the first page, line 2, strike out "That" and all that follows down through and including "force" in line 7, and insert in lieu thereof the following:

"That, during any period between the date of adoption of this resolution and September 1, 1968, with respect to which the United States Capitol Police Board determines that emergency conditions and circumstances exist which require the performance of duty by those officers and members of the United States Capitol Police force who have completed the training program approved by such Board, and have qualified to receive a certificate for such training,"

On the first page, line 10, after "each" insert "such".

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. DAVIS OF GEORGIA

Mr. DAVIS of Georgia. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Georgia: Page 2, line 3, following the word "training," insert: "with the exception that an officer or member in the judgment of the Chief of the Capitol Police force is qualified to perform such emergency overtime duty,".

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, I move to strike the necessary number of words.

Mr. Speaker, it is my understanding that this legislation will expire on August 31.

Mr. DAVIS of Georgia. That is correct. It is set up to run only through midnight, August 31, of this year.

Mr. GROSS. This apparently is because it is hoped that the situation in the District of Columbia will be cleared up by that time?

Mr. DAVIS of Georgia. Certainly we hope so. We hope nothing will happen between now and that time, but the committee was highly cognizant of the fact that the provision of the pending resolution might set a precedent and the com-

mittee was reluctant to allow this matter to cover a longer period of time than from now to August 31, 1968.

Mr. GROSS. Mr. Speaker, I commend the committee for placing a limitation in the bill and for the reason the gentleman has just stated, that otherwise it would create a precedent. I commend the committee for the legislation and hope with the gentleman that the situation which so seriously affects Washington, D.C., now will have been alleviated by September 1, so there will be no necessity for continuation of this legislation at that time.

Mr. DAVIS of Georgia. Mr. Speaker, I join the gentleman in that hope.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I move to strike the requisite number of words. I should like to further interrogate the gentleman.

As I understand this resolution, it applies only starting, let us say, today, and it ends August 31. Any overtime from today until the 31st of August would be covered, is that correct?

Mr. DAVIS of Georgia. That is correct.

I might point out that in framing the resolution the committee has tried to word it in such a way, for example, to cover a policeman who might have gone to work this morning, who had not had an opportunity to receive training not only about the law of arrest but also about the environment in which he will be working and about the duties of police officers. We have tried to frame the resolution so that he would not be called upon for overtime duty.

I might further point out that when a policeman is called upon for overtime duty he is not paid time and a half; he is merely paid straight time for overtime hours.

Mr. JOHNSON of Pennsylvania. I have another question, Mr. Speaker.

I have talked with some of the fellows who are on our Capitol Hill police force. Since the riots in April quite a number of them have put in a large number of hours of overtime. Do I correctly understand there will be no recompense to these young men for that service up to now?

Mr. DAVIS of Georgia. This bill is not retroactive. I might say, though, that the Sergeant at Arms and the Chief of the Capitol Hill police force have both endeavored to allow the policemen compensatory time off to make up for the time they did serve overtime. That was really the only way they had of legally seeing that the men were treated with justice.

Mr. JOHNSON of Pennsylvania. I thank the gentleman.

The SPEAKER. The question is on the amendment offered by the gentleman from Georgia [Mr. DAVIS].

The amendment was agreed to.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. TEAGUE of California. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ASPINALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 187]

Adair	Frelinghuysen	Pickle
Addabbo	Friedel	Pirnie
Andrews,	Gardner	Podell
N. Dak.	Giaino	Pollock
Ashbrook	Gibbons	Pool
Ashley	Gilbert	Price, Ill.
Ayres	Goodell	Purcell
Bell	Gubser	Randall
Bingham	Gurney	Reifel
Blanton	Hall	Resnick
Boland	Halleck	Riegle
Bolton	Halpern	Rivers
Bow	Hansen, Idaho	Ronan
Brasco	Hansen, Wash.	Rooney, N.Y.
Bray	Horton	Rosenthal
Brown, Mich.	Hosmer	Roudebush
Button	Jacobs	Rumsfeld
Celler	Jones, N.C.	St Germain
Collier	Kelly	Scherle
Conyers	Kupferman	Scheuer
Corbett	Kyl	Schweiker
Corman	Kyros	Smith, N.Y.
Culver	Leggett	Snyder
Cunningham	Long, La.	Steiger, Wis.
Curtis	McCarthy	Stephens
de la Garza	McMillan	Stratton
Delaney	Macdonald,	Stuckey
Dellenback	Mass.	Taylor
Dent	MacGregor	Teague, Tex.
Devine	Mathias, Calif.	Tenzer
Dickinson	Mathias, Md.	Thompson, Ga.
Diggs	Meeds	Thompson, N.J.
Donohue	Minshall	Tunney
Dulski	Morris, N. Mex.	Udall
Erlenborn	Moss	Waggonner
Everett	Murphy, Ill.	Watkins
Evins, Tenn.	Murphy, N.Y.	Whalley
Fallon	Myers	White
Farbstein	Nelsen	Williams, Pa.
Fino	Nix	Willis
Fisher	O'Neill, Mass.	Wolf
Ford,	Passman	Wyder
William D.	Pettis	Zion
Fraser	Philbin	

The SPEAKER. On this rollcall 304 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE FOX IN THE CHICKEN COOP

(Mr. WYMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYMAN. Mr. Speaker, an advertisement in yesterday's Sunday New York Times—full page no less—urged that Congress by law should proceed to disarm all private citizens in this land. I quote from a part of the ad at page E5: DISARM AMERICA'S PRIVATE CITIZENS—OURSELVES

The country needs a much stiffer gun-control law. Insist that all private ownership of guns be outlawed; that the guns now around be collected and destroyed. No private interests of gun lobbies or manufacturers can be permitted to perpetuate this danger to our whole society.

Responsible restrictions on interstate sales of firearms may be helpful in lessening the ease of acquiring guns for so-called "risk" individuals. Possibly this may be true of long guns—rifles—as well as shortguns—pistols.

But this is a far cry from the objective of many extreme gun control advocates who want to confiscate all guns.

Mr. Speaker, let us not lose our heads about this business of gun control.

The Constitution still means something in America and our people have the constitutional right to keep and bear arms. Whether required for use in the militia or not, the right to keep and bear arms is expressly guaranteed all citizens in this country. Article II of the Bill of Rights specifically sets out that a militia is necessary.

Registration of all guns is the first step toward Government power to confiscate. No dishonest person will comply with an order to register. The gangsters, the hoods, the criminal element, will never register their guns. How silly can one get to expect they will? Even if the law should provide that guns not registered are outlawed, what difference would this make to the criminal who is intentionally engaging in unlawful conduct? All of the recent tragic assassinations were with unlawfully held firearms.

What will happen in this country should such proposals become law is that guns will be registered by and eventually taken away from only the law-abiding citizens of our country. These citizens have them for protection of life and property, as well as for hunting and recreation.

Then when the criminal armed with his illegal gun goes to work, who will be able to stop him? Who can? The situation would be like putting a fox in a chicken coop. No thinking American wants his Congress to legislate such a situation.

Mr. Speaker, it is the basic constitutional right of all citizens in the United States, who may also at any time be called for service in the militia, to keep arms with which to defend themselves, their families and their State if need be. Congress must not destroy this right in the process of doing what it can to reduce the availability of firearms to the undesirable.

RE-REFERENCE OF H.R. 17487 TO COMMITTEE ON PUBLIC WORKS

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that H.R. 17487, to authorize the Secretary of the Army to provide school facilities for the education of dependents of persons engaged in the construction of the Dworshak Dam and Reservoir project, and for other purposes, be re-referred to the Committee on Public Works instead of the Committee on Education and Labor.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DESIGN AND CONSTRUCTION OF BUILDINGS FINANCED WITH FEDERAL FUNDS TO BE ACCESSIBLE TO THE PHYSICALLY HANDICAPPED

Mr. GRAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6589) to insure that public buildings financed with Federal funds are so designed and constructed as to be accessible

to the physically handicapped, as amended.

The Clerk read as follows:

H.R. 6589

Be it enacted by the Senate and House of Representatives of United States of America in Congress assembled, That, as used in this Act, the term "building" means any building or facility (other than (A) a residential structure containing less than four dwelling units and (B) any building or facility on a military installation, including any fort, camp, post, naval training station, airfield, proving ground, military supply depot, military school, or any similar facility of the Department of Defense) the intended use for which either will require that such building or facility be accessible to the public, or may result in the employment or residence therein of physically handicapped persons, which building or facility is—

(1) to be constructed or altered by or on behalf of the United States;

(2) to be leased in whole or in part by the United States after the date of enactment of this Act after construction or alteration in accordance with plans and specifications of the United States; or

(3) to be financed in whole or in part by a grant or a loan made by the United States after the date of enactment of this Act if such building or facility is subject to standards for design, construction, or alteration issued under authority of the law authorizing such grant or loan.

SEC. 2. The Administrator of General Services, in consultation with the Secretary of Health, Education, and Welfare, is authorized to prescribe such standards for the design, construction, and alteration of buildings (other than residential structures subject to this Act) as may be necessary to insure that physically handicapped persons will have ready access to, and use of, such buildings.

SEC. 3. The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, is authorized to prescribe such standards for the design, construction, and alteration of buildings which are residential structures subject to this Act as may be necessary to insure that physically handicapped persons will have ready access to, and use of, such buildings.

SEC. 4. Every building designed, constructed, or altered after the effective date of a standard issued under this Act which is applicable to such building, shall be designed, constructed, or altered in accordance with such standard.

SEC. 5. The Administrator of General Services, with respect to standards issued under section 2 of this Act, and the Secretary of Housing and Urban Development, with respect to standards issued under section 3 of this Act, is authorized—

(1) to modify or waive any such standard, on a case-by-case basis, upon application made by the head of the department, agency, instrumentality of the United States concerned, and upon a determination by the Administrator or Secretary, as the case may be, that such modification or waiver is clearly necessary, and

(2) to conduct such surveys and investigations as he deems necessary to insure compliance with such standards.

The SPEAKER. Is a second demanded?

Mr. GROVER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. GRAY. Mr. Speaker, I yield myself 5 minutes.



Public Law 90-361
90th Congress, S. 2276
June 27, 1968

An Act

82 STAT. 250

To amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(2) of the Watershed Protection and Flood Prevention Act is amended to read as follows:

“(2) Except as to the installation of works of improvement on Federal lands, the Secretary shall not construct or enter into any contract for the construction of any structure: *Provided*, That, if requested to do so by the local organization, the Secretary may enter into contracts for the construction of structures.”

Approved June 27, 1968.

Watershed Protection and Flood Prevention Act, amendment.
76 Stat. 610.
16 USC 1005.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 1539 (Comm. on Agriculture).
SENATE REPORT No. 1125 (Comm. on Agriculture & Forestry).
CONGRESSIONAL RECORD, Vol. 114 (1968):
May 20: Considered and passed Senate.
June 17: Considered and passed House.

